

DOC NO  
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

Defendants.

J. W. SKUPNIEWITZ  
CLERK US DIST COURT  
WD OF WI

) INDICTMENT

)

) Case No.

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**98 CR 91-S X**

18 U.S.C. § 1951

18 U.S.C. § 43(a)

18 U.S.C. § 2

COUNT 1

THE GRAND JURY CHARGES:

**SEALED**

1. At all times material to this indictment:

(a) a publication called "The Final Nail" was published on an Internet website maintained under the name of the Animal Liberation Front ("ALF"). The Final Nail advocates releasing animals and causing damage to fur-related businesses as a means of forcing those businesses to cease or curtail their operations. The Final Nail included a list ("the target list") of fur farms, ranches, and similar agricultural targets (collectively referred to as "the fur farms").

(b) The activities of the fur farms affected interstate commerce in that the farms purchased, used and sold articles and commodities that moved in interstate commerce among the states.

2. During the period from on or about October 17, 1997, through on or about October 29, 1997, in the Western District of Wisconsin, and elsewhere, the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

did knowingly and intentionally conspire and agree with one another and with other persons unknown to the grand jury, to obstruct, delay, and affect commerce as that term is defined in 18 U.S.C. § 1951, and the movement of articles and commodities in such commerce, by extortion, as that term is defined in 18 U.S.C. § 1951.

3. In furtherance of this conspiracy and to effect the objects thereof, the defendants, PETER DANIEL YOUNG ("YOUNG") and JUSTIN CLAYTON SAMUEL ("SAMUEL"), together with other persons unknown to the grand jury, agreed to induce and to attempt to induce the fur farms to voluntarily cease business operations or to curtail their business in fur production as a result of the increased cost of engaging in the fur trade resulting from the damage and loss, or threat of such damage and loss, of fur bearing livestock caused by the wrongful use of actual and threatened force, violence and fear of injury to property.

4. It was part of the conspiracy that the defendants YOUNG and SAMUEL and unknown co-conspirators, obtained, kept, maintained and relied upon a printed copy of the target list and employed methods published and advocated in the Final Nail and other ALF materials to release fur farm livestock, to inflict damage on fur farms, and to avoid detection and apprehension.

5. It was further part of the conspiracy that the defendants YOUNG and SAMUEL and unknown co-conspirators:

- (a) obtained, kept, maintained and relied upon detailed local maps for



use in locating addresses on the target list, including the fur farms.

(b) conducted surveillance of fur farms listed on the target list.

(c) trespassed on fur farms and on adjoining properties for the purposes of conducting surveillance and gaining clandestine access to the farms.

(d) participated in raids on fur farms at night under the cover of darkness.

(e) cut fences and locks, destroyed property, and released livestock.

#### OVERT ACTS

6. In furtherance of the conspiracy and to effect its unlawful objectives, the defendants YOUNG and SAMUEL committed the following overt acts, among others:

(a) From on or about October 16 to October 17, 1997, the defendants traveled in interstate commerce from South Dakota to Iowa.

(b) From on or about October 21 to October 23, 1997, the defendants traveled in interstate commerce from Iowa to Wisconsin.

(c) Between on or about October 16, 1997 and October 29, 1997, the defendants caused to be transported in interstate commerce a copy of the fur farm target list along with bolt cutters used to facilitate the release of fur farm livestock.

(d) On about October 16 or 17, 1997, the defendants: (i) trespassed onto the property of the Turbak Mink Ranch in Watertown, South Dakota; (ii) cut holes in the exterior fence; and (iii) opened cages and released approximately 2,400 mink.

(e) On or about October 17 or 18, 1997, the defendants or their co-conspirators: (i) trespassed onto the property of the Circle K Fur Farm, Sioux City,

Iowa; (ii) cut and knocked down sections of fencing; and (iii) released approximately 2,000 mink and numerous foxes from their individual cages.

(f) On or about October 21, 1997, the defendants or their co-conspirators: (i) trespassed onto the property of the Fassett Fur Farm in Webster City, Iowa; (ii) destroyed paper tags containing valuable identification and breeding information regarding the mink; and (iii) unsuccessfully attempted to release mink from the cages.

(g) On or about October 24, 1997, the defendants trespassed onto a property adjacent to the Short Fur Farm of Granton, Wisconsin.

(h) On or about October 25, 1997, the defendants: (i) trespassed onto the property of the Smieja Fur Farm in Independence, Wisconsin; (ii) cut and knocked down approximately 30 feet of perimeter fence of the Smieja Fur Farm; and (iii) released from the Smieja Fur Farm approximately 800 breeding stock mink.

(i) On or about October 26, 1997, the defendants: (i) trespassed onto the property of the Dittrich Minkery in Medford, Wisconsin; (ii) cut and knocked down approximately 400 feet of perimeter fence of the Dittrich Minkery; (iii) released from the Dittrich Minkery approximately 2,500 mink; (iv) trespassed onto the property of the Ott Mink Farm in Tomahawk, Wisconsin; (v) opened a gate to a perimeter fence; and (vi) opened approximately 350 mink pens releasing more than 350 mink.

All in violation of Title 18, United States Code, Section 1951, and Title 18, United States Code, Section 2.

COUNT 2

THE GRAND JURY FURTHER CHARGES:

1. At all times material to this Indictment, the Smieja Fur Farm, of Independence, Wisconsin, was engaged in breeding and harvesting Blue Iris mink in interstate commerce and its activities affected interstate commerce in that it purchased, used and sold articles and commodities which moved in interstate commerce from states outside Wisconsin.

2. On or about October 25, 1997, in the Western District of Wisconsin the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

did knowingly and unlawfully obstruct, delay, affect, and attempt to obstruct, delay and affect commerce as that term is defined in Title 18, U.S.C. § 1951, and the movement of articles and commodities in such commerce, by extortion, as that term is defined in Title 18, U.S.C. § 1951, in that the defendants did attempt to obtain the property of Smieja Fur Farm with its consent induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm, in that the defendants did deliberately release approximately 800 Blue Iris breeding stock mink valued at approximately \$200,000, with the intent that the loss of the fur farm's livestock cause economic harm to the fur farm, and fear of economic harm, to such degree that the owners of the farm cease or curtail their business operations.

All in violation of Title 18, United States Code, Section 1951, and Title 18, United States Code, Section 2.

COUNT 3

THE GRAND JURY FURTHER CHARGES:

1. At all times material to this Indictment, the Dittrich Minkery of Medford, Wisconsin, was engaged in breeding and harvesting mink in interstate commerce and its activities affected interstate commerce in that it purchased, used and sold articles and commodities which moved in interstate commerce from states outside Wisconsin.

2. On or about October 26, 1997, in the Western District of Wisconsin the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

did knowingly and unlawfully obstruct, delay, affect, and attempt to obstruct, delay and affect commerce as that term is defined in Title 18, U.S.C. § 1951, and the movement of articles and commodities in such commerce, by extortion, as that term is defined in Title 18, U.S.C. § 1951, in that the defendants did attempt to obtain the property of the Dittrich Minkery with its consent induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm, in that the defendants did deliberately release approximately 2,500 mink with the intent that the loss of the minkery's livestock cause economic harm to the minkery, and fear of economic harm, to such degree that the owners of the minkery cease or curtail business operations.

All in violation of Title 18, United States Code, Section 1951, and Title 18, United States Code, Section 2.

COUNT 4

THE GRAND JURY FURTHER CHARGES:

1. At all times material to this Indictment, the Ott Mink Ranch of Tomahawk, Wisconsin, was engaged in breeding and harvesting mink in interstate commerce and its activities affected interstate commerce in that it purchased, used and sold articles and commodities which moved in interstate commerce from states outside Wisconsin.

2. On or about October 26, 1997, in the Western District of Wisconsin the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

did knowingly and unlawfully obstruct, delay, affect, and attempt to obstruct, delay and affect commerce as that term is defined in Title 18, U.S.C. § 1951, and the movement of articles and commodities in such commerce, by extortion, as that term is defined in Title 18, U.S.C. § 1951, in that the defendants did attempt to obtain the property of the Ott Mink Ranch with its consent induced by the wrongful use of actual and threatened force, violence and fear, including fear of economic harm, in that the defendants did deliberately release approximately 300 mink with the intent that the loss of the mink ranch's livestock cause economic harm to the mink ranch, and fear of economic harm, to such degree that the owners of the mink ranch cease or curtail their business operations.

All in violation of Title 18, United States Code, Section 1951, and Title 18, United States Code, Section 2.

COUNT 5

THE GRAND JURY FURTHER CHARGES:

1. On or about October 17, 1997, through on or about October 29, 1997, in the Western District of Wisconsin and elsewhere, the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

knowingly and intentionally conspired and agreed with one another and with other persons, unknown to the grand jury, to travel in interstate commerce for the purpose of causing physical disruption to the functioning of animal enterprises, and with the intent to cause physical disruption to the functioning of fur farms which are animal enterprises as that term is defined in 18 U.S.C. § 43(d), by damaging property and causing the loss of animals and records, thereby resulting in economic damage of more than \$10,000 to those enterprises.

OVERT ACTS

2. In furtherance of the conspiracy and to effect its unlawful objectives, the defendants YOUNG and SAMUEL committed the overt acts listed in Count 1 of this indictment, Paragraphs 6 (a)-(i), incorporated herein by reference.

In violation of Title 18, United States Code, Section 43(a), and Title 18, United States Code, Section 2.

COUNT 6

THE GRAND JURY FURTHER CHARGES;

On or about October 26, 1997, in the Western District of Wisconsin and elsewhere, the defendants,

PETER DANIEL YOUNG and  
JUSTIN CLAYTON SAMUEL,

did knowingly travel in interstate commerce for the purpose of causing physical disruption to the functioning of an animal enterprise, and did intentionally cause physical disruption to the functioning of the Dittrich Minkery of Medford, Wisconsin, an animal enterprise as that term is defined in 18 U.S.C. § 43(d), by damaging property, destroying records and causing the loss of animals, thereby resulting in economic damage of more than \$10,000 to that enterprise.

In violation of Title 18, United States Code, Section 43(a), and Title 18, United States Code, Section 2.

A TRUE BILL

  
PRESIDING JUROR

  
Peggy A. Lautenschlager  
United States Attorney

Indictment returned:

9-16-98

The following investigation was conducted by  
Special Agent (SA) JEFFREY S. HILL, La Crosse Resident Agency,  
Milwaukee Division:

On October 27, 1997, Washington State Motor Vehicles  
Records were queried regarding the registration for license plate  
number 560GDO. The query revealed that that license plate was  
assigned to a red Chevrolet Geo Metro owned by [REDACTED]  
20320 10th Place S.E., Snohomish, Washington 98290.

On October 28, 1997, SA JEFFREY S. HILL contacted  
Detective Sergeant Alan Lacy, Mercer Island Police Department  
(MIPD), Mercer Island, Washington, regarding [REDACTED]  
Lacy advised that MIPD arrested [REDACTED] date of birth,  
February 6, 1970, along with JUSTIN C. SAMUEL, date of birth,  
December 31, 1978, and PETER D. YOUNG, date of birth,  
June 26, 1977, on August 30, 1997, for Criminal Trespass,  
Possession of Stolen Property, and Malicious Mischief. They had  
taken over a vacant house in Mercer Island without permission of  
the owner. At the time of their arrest, numerous pieces of  
stolen property were found within the house. Found on [REDACTED] was  
a vial of Acepromazine Maleate, an animal tranquilizer. Found in  
the area of the house they occupied were numerous items related  
to animal rights activism. Among the items were stickers reading  
"Animal Liberation Now", "Meat is Murder", and the word "FUR" in a  
circle with a slash through it (universal 'No' symbol); a book  
"Free the Animals - The Untold Story of the U. S. Animal  
Liberation Front and Its Founder"; copies of pages from a book on  
home brewing explosive compounds; a book "Unleashing Rights",  
related to the birth of the Animal Liberation Front (ALF), Court  
Decisions, and Rights and Tactics; numerous maps of Washington  
and Oregon; and a book "Who's Who - In the Egg and Poultry  
Industries in the USA and Canada".

Lacy advised that in the past several years Mercer  
Island had experienced a number of incidents of animal rights  
vandalism. PETER YOUNG has long been a suspect. YOUNG has  
admitted to police that he is involved with animal rights groups.  
In October 1996, YOUNG was stopped in the early morning hours by  
police in Mercer Island. A campaign of malicious mischief  
regarding animal rights activism had been ongoing in Mercer  
Island for approximately six months. The mischief included



incidents such as fast food restaurants having their windows smashed and "Meat is Murder" spray-painted on the walls. YOUNG was found to be in possession of a number of pairs of gloves and ski masks. Following that stop, animal rights vandalism ceased for awhile on Mercer Island, but picked up in other nearby cities.

Lacy advised that he believes that JUSTIN C. SAMUEL is also involved in animal rights activism. Lacy received a report from Snohomish, Washington, that a mink farmer in that area observed a car stopped outside of his farm at 1:00 a.m. on July 14, 1997. Around the car were three males and a female, all wearing dark clothing and all having duct tape wrapped around their pants cuffs. The farmer wrote down the car's license plate number, and subsequent investigation revealed that it was registered to SAMUEL's parents. Lacy believed that the woman outside the car was [REDACTED] and that the three males were PETER YOUNG, JUSTIN SAMUEL, and [REDACTED] who was also arrested at the vacant house in Mercer Island on August 30, 1997.

Lacy noted that when [REDACTED] YOUNG, SAMUEL, and [REDACTED] were arrested on August 30, 1997, all had shaved heads. Lacy advised that, due to his experience in animal rights activism criminal investigations, he knows this to be a characteristic of an extreme animal rights faction known as the "Straight Edge". To show their dedication to animal rights, they not only shave their heads, they abstain from using alcohol and drugs, do not engage in premarital sex, and are vegetarians. Some wear shirts with an "X" or "XX" on them. The "XX" supposedly indicates that the wearer is not only a vegetarian, but also does not consume foods related to animals, such as milk, cheese, or eggs.

**Mercer Island Police Department  
Felony Face Sheet**

<u>Incident: Crim. Trespass / PSP 2</u>	<u>Date: 09/03/97</u>	<u>Case No: 97-2374</u>	
<u>Name of Business and/or Victim</u>	<u>Date of Crime</u>	<u>Name of Defendant</u>	<u>Charge</u>
Wa. St. Dept. Of Transportation	08/30/97	1) [REDACTED] S DOB: [REDACTED] WM	Criminal Trespass 1 PSP 2 Mal. Mischief 3
Waterfront Construction	08/30/97	2) [REDACTED] A. DOB: [REDACTED]	Criminal Trespass 1 PSP 2 VUCSA Mal. Mischief 3
Hollywood Video		3) Samuel, Justin C. DOB: 12/31/78 WM	Criminal Trespass 1 PSP 2 Mal. Mischief 3
		4) Young, Peter D DOB: 06/26/77 WM	Criminal Trespass 1 PSP 2 Mal. Mischief 3

Name of Witnesses and Addresses:

- 1) Simmons, Grady, 15214 97th Ave. NE., B 204, Kirkland, Wa. 98034 (H) 821-4131 / (W) 918-8725
- 2) Wilson, Mike, 13826 Lake Road, Lynnwood, Wa. 98037, (H) 745-5120 / (W) 918-8724
- 3) Daniel, Alan, 4832 123rd St. SE., Everett, Wa. (425) 338-0611 / 828-3600
- 4) Page, Chuck, 75 State St., Kirkland, Wa. 98033 814-5960 / 828-3600
- 5) Forinash, Patrick, Agent, WSDOT 440-4222
- 6) Morris, J., Ofc. #121, Mercer Island Police, 9611 SE 36 St., Mercer Island, Wa. 98040, 236-3500
- 7) Franklin, J. Ofc. 110, M.I.P.D., 9611 SE 36 St., Mercer Island, Wa. 98040 236-3500
- 8) Robarge, J. Ofc. 122, M.I.P.D., 9611 SE 36 St., Mercer Island, Wa. 98040 236-3500
- 9) Rucker, M. J., Det. 78, M.I.P.D., 9611 SE 36 St., Mercer Island, Wa. 98040 236-3629
- 10) Struvland, J., Evid. Tech., M.I.P.D., 9611 SE 36 St., Mercer Island, Wa. 98040 236-3500
- 11) Juhl, Alex, Manager Hollywood Video, 2750 77th SE., Mercer Island, Wa. 98040 236-5664
- 12) WSP Lab Examiner, Judy Nickel, 610 3rd Ave., Seattle, Wa. 98104, 464-7074

Evidence Consists of:

Initial Case Report

- 1) Case Report 97-2374, by Ofc. Morris

Statement of

- 1) Witness / Victim Simmons for Waterfront Construction
- 2) Witness / Victims Page, Wilson, and Daniels for Waterfront Construction
- 3) Witness Forinash for WADOT
- 4) Witness Juhl

Follow-up Reports

- 1) Follow up reports by Ofc. Franklin & Ofc. Robarge
- 2) Follow up reports or statements by Ofc. Morris
- 3) Follow up report of Det. Rucker
- 4) Initial Cr 97-2074 (relating to burglary - Witness Simmons)
- 5) Initial Cr 97-2116 (relating to burglary - Witness Simmons)
- 6) Medina Cases 97-1063 & 97-1064 (relating to burglaries - Witn. Daniels & Page)

Evidence

U.S. v. Samuel  
0106

- 1) Ener Pac cutting torch
- 2) Hydraulic Pump
- 3) Divers mask
- 4) Metal Wk. Str. DOT bike route sign
- 5) Claw hammer
- 6) 12 inch adjustable wrench
- 7) Spray nozzles
- 8) Welding Mask
- 9) Electricians & Duct tape
- 10) Allen Wrench set
- 11) Drill Bit set and box
- 12) Invoice from Waterfront Construction
- 13) Video Tapes - Hollywood Video
- 14) Dive Boots
- 15) Binoculars
- 16) Radio
- 17) Dive knife
- 18) Dive masks
- 19) welding masks
- 20) WSDOT No Trespassing Sign
- 21) Acepromazine Maleate - Animal Tranquilizer
- 22) Other unknown drugs - Animal tranquilizer
- 23) Photographs taken by the officers of the scene

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#### Summary of Facts:

08/30/97 at approximately 0153 hours, Ofc. Morris of the Mercer Island Police Department was working the graveyard shift, between 2300 - 0730 hours. He was in uniform and driving a marked Patrol unit. At this time he was checking the vacant D.O.T. house located at 6420 SE 24th, on Mercer Island. The house is owned by D.O.T. and has been vacant for quite some time. While checking the exterior of the house, he found a window on the North side that had been broken out, and would allow a person to enter the house through that window. Further checking, the officer found a second window on the South side of the house that was also broken out and would allow someone to enter it. Ofc. Morris noticed that a door next to this second window had a pad lock on it. The officer noticed a worn path next to the house so he followed it on. On the East side of the house he found a door to the lower level of the house. He walked down a set of stairs and tried this door. It was unlocked so he entered the house. When Ofc. Morris got into the house he found 3 people sleeping on the floor of the room he just entered. He identified himself. At this time he identified one suspect as [REDACTED] who is known to him. The other suspects identified themselves as [REDACTED] and Justin Samuel. Ofc. Morris noticed a large amount of property that indicated that someone had been using the house for a long period of time. There were mattresses, sleeping bags, back packs, food, cooking stove, heater, candles, gallon bottles of water, and other items present that he could see. Ofc. Morris asked if the suspects had permission to from D.O.T. to be in the house. The suspects stated that they did not. Ofc. Morris asked how the suspects got into the house, and suspect Brasfield stated that they had used a key. Ofc. Morris asked him to clarify his answer, and Brasfield stated that he had replaced the old door handle that was in the door, with one of his own. The suspects were arrested for Criminal Trespass I. They were handcuffed. Prior to transporting the suspects to the office, they were asked what property they owned. Each suspect told the Ofc. Morris what items they had in the house. They declined to identify other items that were laying around. At this time Ofc. Morris checked several large canvas bags that were not claimed by any of the suspects. He found a number of items in the bags that appeared to match stolen property taken from a waterfront barge, in a burglary on 08/01-04/97 CR97-2074. This included an Acetylene cutting torch, which was in plain view. Suspects still denied ownership or knowledge of the items. The suspects were transported to the Mercer Island Police station. Officer then inventoried the suspects property for safekeeping due to the arrests. While inventorying some of the property that no one claimed, the officers found numerous items that were reported stolen. These items were dive equipment that belonged to victim Simmons, reported in CR 97-2074. The items were found in bags belonging to [REDACTED]. The items were taken to the station. The victim was called and Simmons came to the police station and identified the property as his. They obtained a statement from Simmons.

Simmons also gave the names of other victims who could identify additional property. The items were taken in a burglary of a waterfront storage facility. During the second trip to collect more of the items, Suspect Young arrived and entered the house. He was contacted by Ofc. Franklin and asked why he was in the house. He did not respond to this question. Officers had found unclaimed property that belonged to Young, in the house prior to his arrival. During the search of Young, they found Microsoft identification, and a bus pass that was not in his name. It was identified as belonging to Microsoft employee Petersen. [REDACTED] had 3 vials of an unknown liquid, and several syringes. The labels on the vials had been partially removed. One vial was identified by label as ACEPROMAZINE MALEATE. The others could not be identified at this time. The bottles were sealed with rubberized metal tops, which a needle could be inserted into to remove the liquid. The bottles did not appear to be tampered with or altered. Det. Rucker was able to ascertain that the Acepromazine is used as an animal tranquilizer. The bottles were taken to the WSP crime Lab for analysis. Det. Rucker contacted DOT personnel and obtained information on who owns the property, when and how it was secured and that the suspects did not have permission to be in the house. Witness Forinash contacted Det. Rucker and stated that he had locks put on the house and that it was posted with a No Trespassing Sign. He had checked the house on several occasions and found it to be secure. On 09/09/97 He was at the house cleaning it and found the No Trespassing Sign had been torn down and put on a book shelf inside the house. It was identified as WSDOT's by the DOT worker and phone numbers on it. He found that all of the locks that DOT put on the house were superglued shut so a key would not fit. He found superglue in the house. He found several items of damage, and will supply the repair cost receipts, damage, and statements. Det. Rucker contacted additional victims to identify property. Det. Rucker contacted Witness Juhl at Hollywood video and determined from the bar codes, that the items belonged to them, and that the items were listed as being in the store, were in fact stolen.



MERCER ISLAND POLICE  
ADDITIONAL INDIVIDUALS FORM

Page \_\_\_\_ of \_\_\_\_

CASE  
NUMBER CR97-2374

Inv. Code: <b>X</b>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle) <b>PETERSEN, CHAD EUGENE</b>				Race <b>W</b> Sex <b>M</b>	DOB/Age Range <b>06/29/63</b>		Alias Names/Identifiers/Clothing
Street Address <b>3115 120th Ave NE</b>		City <b>BELLEVUE</b>		State <b>WA</b>	Zip <b>98005</b>	Home Phone <b>425-558-2758</b>		Place of Employment <b>MICROSOFT</b>
Work Phone <b>936-9098</b>		OLN <b>PETERSEN, ILG</b>	State <b>WA</b>	SOC <b>536-78-4445</b>	Local ID	SID	FBI	
Height <b>5-10</b>	Weight <b>175</b>	Hair <b>BRN</b>	Eyes <b>GRN</b>	Ethnicity <b>N</b>	Residency <b>N</b>	Citation(s) No. and RCW <b>1</b> <b>2</b>		Flag <b>2</b>
Fingerprinted (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photographed (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		By		Search / Confine by		
Parent/Guardian notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name/Relationship of person notified		Date/TIME notified		Notified by		Place of Birth

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Names/Identifiers/Clothing
Street Address		City		State	Zip	Home Phone		Place of Employment
Work Phone		OLN	State	SOC	Local ID	SID	FBI	
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag
Fingerprinted (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photographed (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		By		Search / Confine by		
Parent/Guardian notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name/Relationship of person notified		Date/TIME notified		Notified by		Place of Birth

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Names/Identifiers/Clothing
Street Address		City		State	Zip	Home Phone		Place of Employment
Work Phone		OLN	State	SOC	Local ID	SID	FBI	
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag
Fingerprinted (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photographed (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		By		Search / Confine by		
Parent/Guardian notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name/Relationship of person notified		Date/TIME notified		Notified by		Place of Birth

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Names/Identifiers/Clothing
Street Address		City		State	Zip	Home Phone		Place of Employment
Work Phone		OLN	State	SOC	Local ID	SID	FBI	
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag
Fingerprinted (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photographed (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		By		Search / Confine by		
Parent/Guardian notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name/Relationship of person notified		Date/TIME notified		Notified by		Place of Birth

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Names/Identifiers/Clothing
Street Address		City		State	Zip	Home Phone		Place of Employment
Work Phone		OLN	State	SOC	Local ID	SID	FBI	
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag
Fingerprinted (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Photographed (y/n) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		By		Search / Confine by		
Parent/Guardian notified? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Name/Relationship of person notified		Date/TIME notified		Notified by		Place of Birth

Investigating Officer  
J. P. P.Permitted No.  
#121Approving Supervisor  
J. P. P. #110U.S. v. Samuel  
0111

CONTINUATION/FOLLOW-UP  
Mercer Island Department of Public Safety

Case Number: 97-2374.DOC

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E-95: ONE ROLL OF FILM SHOWING SUSPECTED NARCOTICS AND BIKE LANE SIGN TAKEN BY OFC. MORRIS.

WITNESS/VICTIM STATEMENT:

IN A WRITTEN STATEMENT AT MIPD, WITNESS/VICTIM GRADY SIMMONS WRITES THAT HE RECEIVED A PHONE CALL FROM MERCER ISLAND POLICE DEPT. REQUESTING HIM TO COME DOWN TO THE OFFICE TO SEE IF HE MIGHT IDENTIFY SOME EFFECTS THAT HE HAD STOLEN FROM A WORK BARGE SEVERAL WEEKS AGO. ON LOOKING THROUGH THE OBJECTS, HE RECOGNIZED THEIR (WATERFRONT CONSTRUCTION) CUTTING TORCH SET, SOME OLD SCUBA DIVING GLASSES, DRILL BIT SETS, AND SOME OTHER ASSORTED HAND TOOLS THAT WERE STOLEN.

THE CASE NUMBER ON THE FIRST TIME THEY WERE BROKEN INTO WAS 97-2116. HE WAS THE ONE WHO REPORTED THE BREAK IN. THE SECOND TIME THEY WERE BROKEN INTO HIS CO-WORKER, MIKE WILSON, WAS THE ONE WHO REPORTED IT.

THE REPLACEMENT COST ON THE ITEMS WERE AS FOLLOWS:

CUTTING TORCH SET	\$500.00
DRILL BIT SETS	\$70.00
HAMMER	\$30.00
DIVE GLASSES	\$90.00
WRENCHES	\$25.00
MISCELLANEOUS TAPE, ETC.	\$50.00

INVESTIGATION:

ON 08/30/97 AT APPX. 0153 HOURS I, OFC. MORRIS #121, WAS CHECKING A VACANT PROPERTY OWNED BY WASHINGTON STATE DEPARTMENT OF TRANSPORTATION AT 6420 SE 24 ST. I CHECKED THE UPPER LEVEL ON THE SOUTH AND EAST SIDES OF THE HOUSE. ON THE NORTH EAST SIDE OF THE HOUSE I NOTICED A WINDOW THAT WAS PARTIALLY BROKEN OUT ALLOWING SOMEONE TO GAIN ACCESS TO THE WINDOW LATCH AND THEN ENTRY INTO THE HOUSE. ON THE SOUTH SIDE OF THE HOUSE I NOTICED THE SAME THING. I ALSO NOTICED THAT THE DOOR NEXT TO THIS WINDOW WAS PADLOCKED. THE HOUSE APPEARED VACANT FROM THE UPSTAIRS WINDOWS. I WALKED AROUND TO THE EAST SIDE OF THE HOUSE AND NOTICED A PATH LEADING TO A DOOR ON THE LOWER LEVEL OF THE HOUSE. I WALKED DOWN SOME STAIRS AND TRIED THE DOOR. IT WAS UNLOCKED AND I ENTERED THE HOUSE.

UPON ENTRY I NOTICED THREE SUBJECTS ASLEEP ON TWO MATTRESSES. I IDENTIFIED MYSELF AS A POLICE OFFICER AND ASKED THAT THEY PLACE THEIR



CONTINUATION/FOLLOW-UP  
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Case Number: 97-2374.DOC

HANDS WHERE I COULD SEE THEM. I ASKED IF ANYONE ELSE WAS IN THE HOUSE AND THEY STATED THERE WAS NOT. I ASKED IF ANY OF THEM HAD ANY WEAPONS AND SUBJECT KNOWN TO ME AS [REDACTED] STATED HE HAD A KNIFE NEXT TO HIS MATTRESS. I CHECKED AN ADJOINING ~~FROM~~ AND FOUND NO OTHER SUBJECTS. I ASKED ALL SUBJECTS WHO THEY WERE AND THEY IDENTIFIED THEMSELVES AS [REDACTED] AND JUSTIN CLAYTON SAMUEL.

IT WAS CLEAR THAT THIS HOUSE HAD BEEN OCCUPIED FOR SOME TIME AS THERE WERE NUMEROUS MATTRESSES, SLEEPING BAGS, BACK PACKS, FOOD ITEMS, COOKING STOVE, HEATER, CANDLES, GALLON BOTTLES OF WATER, ETC. ALL OVER THE DOWNSTAIRS. I ASKED THE THREE WHAT THEY WERE DOING THERE AND THEY DID NOT ANSWER. I ASKED HOW THEY HAD FOUND THE HOUSE AND [REDACTED] STATED THAT HE HAD READ ABOUT IT IN THE PAPER AS BEING IN THE PROCESS OF BEING SOLD BY DOT AND THAT THE HOUSE WAS NOT GOING TO SELL. I ASKED ALL THREE IF THEY HAD PERMISSION FROM DOT TO BE IN THE HOUSE AND THEY STATED THEY DID NOT. I ASKED HOW THEY GOT INTO THE HOUSE AND [REDACTED] STATED HE HAD USED A KEY. I ASKED WHAT HE MEANT AND HE STATED THAT HE HAD REPLACED THE OLD DOOR HANDLE FROM THE DOOR I HAD ENTERED WITH HIS OWN.

BY THIS TIME OFC.'S FRANKLIN #110 AND ROBARGE #122 HAD ARRIVED AT MY LOCATION. I INFORMED THE THREE THEY WERE UNDER ARREST FOR CRIMINAL TRESPASS AND HANDCUFFED THEM, CHECKING THE CUFFS FOR TIGHTNESS AND DOUBLE LOCKING THEM. I READ THEM THE MIRANDA WARNINGS FROM MY PRINTED CARD AND THEY VERBALLY STATED THEY UNDERSTOOD THESE. OFC. FRANKLIN CHECKED THE UPSTAIRS OF THE RESIDENCE AND IT CHECKED CLEAR OF ANYONE ELSE.

POST MIRANDA I ASKED WHAT ITEMS BELONGED TO WHOM. [REDACTED] STATED THAT THE ORANGE FRAME PACK (E-22) WITH LARGE RED BOLT CUTTERS (E-20), BLACK BINOCULARS (E-23), BLACK DIVE KNIFE (E-24), GREEN DANIAN BACKPACK (E-34), AND A VARIFLEX SKATEBOARD (E-47) BELONGED TO HIM. WHEN ASKED IF HE HAD ANY OTHER ITEMS IN THE HOUSE HE STATED HE DID NOT. [REDACTED] STATED THAT THE KELTY BACK PACK (E-40) BELONGED TO HER AND THAT SHE DID NOT OWN ANY OTHER ITEMS IN THE HOUSE. SAMUEL STATED THAT THE GREEN REI BACK PACK BELONGED TO HIM AND THAT HE DID NOT OWN ANY OTHER ITEMS IN THE HOUSE. I ASKED ALL THREE IF THEY KNEW WHO ANY OF THE NUMEROUS REMAINING ITEMS BELONGED TO AND THEY STATED THEY DID NOT.



CONTINUATION/FOLLOW-UP  
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I POINTED OUT THE TWO LARGE BLACK CANVAS BAGS (E-48 AND E-81) AND ASKED IF THEY BELONGED TO ANY OF THEM AND ALL THREE STATED THEY DID NOT. I POINTED OUT THE CUTTING TORCH [REDACTED] AND ASKED IF HE KNEW WHO IT BELONGED TO AND HE STATED HE DID NOT. I ASKED IF HE HAD STOLEN IT (I RECALLED A RECENT BURGLARY REPORT WHERE A CUTTING TORCH WAS STOLEN) AND HE STATED HE HAD NOT. I ASKED IF THERE WOULD BE ANY REASON I MIGHT FIND HIS FINGERPRINTS ON IT AND HE STATED THAT ALTHOUGH HE HAD NOT TAKEN IT, HE HAD HANDLED IT ON A FEW OCCASIONS.

ALL THREE SUBJECTS WERE TRANSPORTED TO MIPD BY OFC. ROBARGE WHO THEN RESPONDED BACK TO OUR LOCATION WITH THE DARE VAN. DOT WAS NOTIFIED OF THE BREAK IN TO THEIR PROPERTY AND THEY STATED THAT NO ONE WAS TO BE IN THE RESIDENCE AND THAT THEY WOULD SEND SOMEONE OUT IN THE MORNING (ON OVERTIME DUE TO THE HOLIDAY WEEKEND) TO RE-SECURE THE HOUSE AND ASSESS THE DAMAGE.

UPON ENTERING THE HOUSE FROM THE DOWNSTAIRS DOOR ON THE WEST SIDE, ONE ENTERS A ROOM. IN THIS ROOM WERE MATTRESSES ON THE WEST AND SOUTH WEST WALLS. [REDACTED] HAD BEEN ON THE SOUTH WEST MATTRESS WHILE [REDACTED] AND SAMUEL HAD BEEN ON THE WEST MATTRESS. THIS ROOM CONTAINED [REDACTED] AND SAMUEL'S BACKPACKS AND TWO LARGE BLACK CANVAS BAGS ON THE EAST WALL NEAR A DOORWAY LEADING TO A ROOM ON THE NORTH SIDE. THERE WERE ALSO A COOKING STOVE, CANDLES, CANDLE HOLDER, AND A FROG ALARM CLOCK, CD PLAYER AND TWO SPEAKERS ON A FURNACE ENCASING ON THE EAST WALL. IN THE SOUTH EAST CORNER OF THE ROOM WAS A CLOSET THAT CONTAINED ANOTHER MATTRESS AND SOME MISC. CLOTHING. ON THE BACK OF THE DOOR I HAD ENTERED WAS A METRO FARE SIGN AND A PIECE OF PAPER DESCRIBING ANTI-SHOPLIFTING TAGS. THERE WERE ALSO NUMEROUS MISC. ITEMS AND CLOTHING STREWN ABOUT THE FLOOR OF THIS ROOM.

THE DOOR ON THE EAST WALL LEADS TO ANOTHER ROOM ON THE NORTH SIDE OF THE RESIDENCE. IN THIS ROOM WAS A MATTRESS ALONG THE SOUTH WALL THAT HAD TWO FRED MEYER SHOPPING CARTS, NUMEROUS CD'S, TAPES, AND 8 TRACK TAPES, BEDDING, A BOOK BAG, AND OTHER MISC. ITEMS. OVER THE BED ON THE WALL WAS A SHELF WITH CANNED FOOD. NEXT TO THE HEAD OF THE BED WAS A BROWN GROCERY SACK CONTAINING NUMEROUS PIECES OF LITERATURE. IN THE NORTH WEST CORNER OF THE ROOM WAS AN OLD DRIER WITH PACKAGED FOOD ON TOP. NEXT TO THE DRIER WAS AN OLD WASH BASIN WITH BRASFIELD'S ORANGE PACK LEANED UP AGAINST IT. HANGING ON THE WALL ABOVE BOTH WAS A MCDONALD'S ARCH DELUXE SIGN WITH A CUTTING TORCH HANGING FROM IT. IN THE NORTH EAST CORNER OF THE ROOM WAS A



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WOODEN LADDER LEADING TO THE UPSTAIRS WITH A LARGE AMOUNT OF MISC. CLOTHES BEHIND IT. ON THE EAST WALL WAS A DOOR LEADING TO A BATHROOM AND ON THE SOUTH EAST CORNER WAS A CLOSET.

UPSTAIRS ALL ROOMS WERE EMPTY EXCEPT THE BATHROOM THAT HAD BAGS OF GARBAGE AND A BOOK IN IT. THERE WAS NO ELECTRICITY OR RUNNING WATER IN THE HOUSE.

OFC.'S FRANKLIN, ROBARGE, AND I BEGAN TO COLLECT PROPERTY TO TAKE TO MIPD FOR SAFEKEEPING UNTIL THE OWNERS COULD BE FOUND. WE BEGAN TO OBSERVE NUMEROUS ITEMS, INCLUDING FOOD ITEMS, STILL IN THEIR STORE PACKAGING WITH PRICE TAGS ATTACHED. WE ALSO NOTICED MORE ITEMS THAT APPEARED TO HAVE BEEN STOLEN IN A RECENT COMMERCIAL BURGLARY IN THE AREA (CR97-2074) IN THE LARGE BLACK CANVAS BAGS. THE BAGS WERE OPEN AND UNZIPPED NEAR THE DOOR LEADING BETWEEN THE TWO ROOMS. WE ALSO DISCOVERED SOME ITEMS (BOOK BAG, WALLET, ID) BELONGING TO PETER YOUNG. I FOUND A SET OF KEYS BELONGING TO SAMUEL AND TRIED EACH OF THEM IN THE DOOR KNOB. ONE OF THE KEYS ON SAMUEL'S KEY RING UNLOCKED THE DOOR I HAD ENTERED. I TOOK TWO ROLLS OF FILM SHOWING THE INTERIOR OF THE RESIDENCE.

AFTER FILLING THE DARE VAN WITH THE FIRST LOAD OF PROPERTY, OFC. ROBARGE AND I DROVE TO MIPD TO DROP OFF THESE ITEMS. WHILE AT MIPD OFC. FRANKLIN ADVISED THAT PETER YOUNG HAD JUST ENTERED THE HOUSE. I ARRIVED BACK TO THE RESIDENCE AND CONTACTED OFC. FRANKLIN AND YOUNG AT THE HOUSE. I ASKED OFC. FRANKLIN IF SHE HAD MIRANDIZED YOUNG AND SHE STATED SHE HAD. I ASKED YOUNG WHAT HE WAS DOING IN THE HOUSE AND HE STATED HE DID NOT WISH TO RESPOND TO THAT QUESTION. I HANDCUFFED YOUNG, CHECKING THEM FOR TIGHTNESS AND DOUBLE LOCKING THEM. AND TRANSPORTED YOUNG TO MIPD.

AT MIPD I BOTH FINGERPRINTED AND PHOTOGRAPHED EACH SUBJECT AND PRESENTED EACH WITH A WRITTEN COPY OF THE MIRANDA WARNINGS THAT THEY SIGNED STATED THEY UNDERSTOOD THESE RIGHTS. I LATER TRANSPORTED ALL FOUR SUBJECTS TO KING COUNTY JAIL.

AFTER BOOKING THE SUBJECTS I RETURNED TO MIPD TO LOG THE PROPERTY INTO THE EVIDENCE ROOM WITH THE HELP OF THE EVIDENCE TECH, AND OFC.'S FRANKLIN AND ROBARGE. WHILE INVENTORYING [REDACTED] BACK PACK I DISCOVERED A WAD OF ROLLED UP TISSUE PAPER THAT CONTAINED SOME HARD OBJECTS. INSIDE THE WAD OF TISSUE I OBSERVED SOME SYRINGES AND TWO BOTTLES OF A CLEAR LIQUID THAT MAY BE NARCOTICS. THE LABELS HAD

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GRADY SIMMONS HAD RESPONDED TO MIPD AND IDENTIFIED SOME OF THE ITEMS AS THOSE THAT HAD BEEN REPORTED STOLEN ON 08/04/97 (CR97-2074). THE REMAINDER OF THE PROPERTY WAS TAKEN DOWN TO THE EVIDENCE ROOM.

A hand-drawn floor plan of a residence, likely a prison cell or a small apartment, with various rooms and items labeled. The plan is divided into several sections by walls and doors.

- BATHROOM** (top left): A small rectangular room.
- CLOSET** (top right): A rectangular room containing a **MATTRESS**.
- SOUTH ROOM** (center right): A large rectangular room containing:
  - A **FURNACE COVER** box labeled: STOVE, CANDLES, CD PLAYER, SPICERIES.
  - A box labeled: **LARGE CANVAS BAGS** and **SAMUEL PACK**.
  - A **MATTRESS WITH** [redacted] box.
  - A **MATTRESS WITH** [redacted] **AND SAMUEL** box.
- CLOSET** (center left): A rectangular room containing a box labeled: **WASC. ITEMS**.
- STAIRS** (bottom center): A small rectangular area.
- Other areas and items:**
  - A box labeled: **HOLE 3 LADDER TO UPSTAIRS** is located near the Bathroom.
  - A box labeled: **- CLOTHES TRENCH AND PUMPS** is located near the Bathroom.
  - A box labeled: **WASH BOWL** is located near the Bathroom.
  - A box labeled: **DRINK WITH FOOD** is located near the Bathroom.
  - A box labeled: **MATTRESS** is located near the Bathroom.
  - A box labeled: **BASKETS TV PACK** is located near the Bathroom.
  - A box labeled: **- LITERATURE** is located near the Bathroom.
  - A box labeled: **- KNIFE** is located near the Stairs.





# Mercer Island Department of Public Safety - Crime Info

September 17, 1997

purportedly a more radical faction of the animal rights movement than most. They show their dedication to the cause by adhering to the following:

- They shave their heads, both male and female
- They abstain from using alcohol and drugs
- They do not engage in pre-marital sex
- They follow a vegan life style

Sometimes they wear shirts that have an "X" or a double "X" on them. A double X is said to indicate that not only is the wearer a vegetarian, but he also eschews foods related to meat, such as milk and cheese. More information on this movement or philosophy can be found on the internet.

Crimes other than obvious animal rights related crimes may be attributable to groups like the one on Mercer Island. Some of their literature suggests that it is acceptable to steal if it helps sustain them to further their animal rights cause. We have an open case where one of these subjects is the suspect in the theft of three laptop computers and a VCR from one of our schools.

The following is copied from the A.L.F. Web page on the internet:

## Animal Liberation Frontline Information Service The Animal Liberation Front

### -Direct Action For Animal Rights-

A member of the Animal Liberation Front tells why she broke the law for animals

The Animal Liberation Front consists of small autonomous groups of people all over the world who carry out direct action according to the A.L.F. guidelines.

### ANIMAL LIBERATION FRONT (A.L.F.) GUIDELINES

The Animal Liberation Front carries out direct action against animal abuse in the form of rescuing animals and causing financial loss to animal exploiters, usually through the damage and destruction of property.

The A.L.F.'s short term aim is to save as many animals as possible and directly disrupt the practice of animal abuse. Their long term aim is to end all animal suffering by forcing animal abuse companies out of business.

It is a nonviolent campaign, activists taking all precautions not to harm any animal (human or otherwise).

Because A.L.F. actions are against the law, activists work anonymously, either in small groups or individually, and do not have any centralized organization or coordination.

Any group of people who are vegetarians or vegans and who carry out actions according to A.L.F. guidelines have the right to regard themselves as part of the A.L.F.

Maintained by Anon - for Animal Liberation - How to not contact us  
Back to the main page

Confidential - For Police Use Only

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arw

01-97

Mercer Island Police				Related Case No. CR97-2074		Case No. CR97-2374	
<b>INCIDENT REPORT</b>				Offense Code 1 086	Offense/Incident CRIMINAL TRESPASS		
Reported Date 08/30/97		Reported Time 0153		Offense Code 2 134	POSSESSION OF STOLEN PROP.		
Location 6420 SE 24				Offense Code 3 1899	VUCSA - FREE TEXT		
Occurred Date 08/30/97	Occurred Time 0153	District NW	Grid	Disposition (A-Z) D	Status 0	How Received 0	Disclosure? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## GENERAL IBR

(REQUIRED ON ALL CRIMINAL INCIDENTS)

(SEE REVERSE SIDE FOR CODES)

Location Type 02	Offense Related to: <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A	Clearance Type <input type="checkbox"/> N-N/A <input checked="" type="checkbox"/> AA - Arr. Adult <input type="checkbox"/> AJ - Arr. Juvenile Exceptional (Specify Code)	Bias Motivation? <input type="checkbox"/> Yes (specify code): <input checked="" type="checkbox"/> No (88)	Domestic Violence? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Child Abuse? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Crim. Activity 26	Weapons Used? <input type="checkbox"/> Yes (specify code) <input checked="" type="checkbox"/> No (90)	Caliber: Gauge: Length: Grips/Finish:	THESE ITEMS - FOR BURGLARY REPORTS ONLY	Entry Method	Tools Used

Summary: SUBJECTS ARRESTED FOR TRESPASSING IN DOT HOUSE NUMEROUS ITEMS I.F. STOLEN  
PROPERTY FOUND IN HOUSE SUBJECTS HAD BEEN LIVING IN HOUSE. ALL SUBJECTS BOOKED INTO  
K.C.T. UNKNOWN SUSPECTED NARCOTICS FOUND IN BACKPACK WITH LABELS REMOVED

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Sect./Public	O Other U Unknown p Police/LE
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Fingerprinted (y/n) <input checked="" type="checkbox"/>	Photographed (y/n) <input checked="" type="checkbox"/>	By: #121	Search / Contine by: #121/122
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name/Relationship of person notified	Date/Time notified	Notified by
Place of Birth:			

Inv. Code:	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Sect./Public	O Other U Unknown p Police/LE
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## Vehicle Information:

<input type="checkbox"/> Suspect <input checked="" type="checkbox"/> Victim	Lk.	State	Year	Make	Model	Type	Color	VIN
--	-----	-------	------	------	-------	------	-------	-----

Description

Statement of Person Reporting: I, the undersigned, hereby declare this to be a true and correct report. I understand that I may be prosecuted for knowingly making a false report.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Signature: \_\_\_\_\_

Conditions for Release:

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0109

(PCN)

MERCER ISLAND POLICE ADDITIONAL INDIVIDUALS FORM										Page ____ of ____		CASE NUMBER <u>CR97-2374</u>	
Inv. Code: <u>03</u>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle) <u>SAMUEL JUSTIN CLAYTON</u>				Race <u>W</u> Sex <u>M</u>	DOB/Age Range <u>12/31/78</u>		Alias Names/Identifiers/Clothing					
Street Address <u>20320 10<sup>th</sup> PL SE</u>		City <u>SNYDMISH</u>		State <u>WA</u>	Zip <u>98290</u>	Home Phone <u>334-9197</u>		Place of Employment <u>STUDENT UW</u>					
Work Phone <u>SAMUEJC22ZRU</u>		OLN <u>WA</u>	SOC <u>538-06-9218</u>	Local ID <u>9118</u>	SID		FBI						
Height <u>5-09</u>	Weight <u>165</u>	Hair <u>BRN</u>	Eyes <u>HAZ</u>	Ethnicity <u>N</u>	Residency <u>N</u>	Citation(s) No. and RCW <u>1 RCW 9A.56.160</u> <u>2 RCW 9A.52.070</u>		Flag	Custody Status	Arrest Type	Booking No.	Jail <u>KC</u>	
Fingerprinted (y/n) <u>Y</u>		Photographed (y/n) <u>Y</u>		By <u>#121</u>		Search / Confine by <u>#121 / #122</u>							
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code: <u>04</u>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual U Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle) <u>YOUNG, PETER DANIEL</u>				Race <u>W</u> Sex <u>M</u>	DOB/Age Range <u>06/26/77</u>		Alias Names/Identifiers/Clothing					
Street Address <u>7930 SE 34<sup>th</sup> #404</u>		City <u>MERCER ISL</u>		State <u>WA</u>	Zip <u>98040</u>	Home Phone <u>232-4221</u>		Place of Employment <u>UNEMPLOYED</u>					
Work Phone <u>YOUNG PD2396</u>		OLN <u>WA</u>	SOC <u>537-21-7716</u>	Local ID <u>8637</u>	SID <u>WA1616202B</u>		FBI <u>471631E83</u>						
Height <u>5-09</u>	Weight <u>150</u>	Hair <u>BRN</u>	Eyes <u>BRN</u>	Ethnicity <u>N</u>	Residency <u>F</u>	Citation(s) No. and RCW <u>1 RCW 9A.56.160</u> <u>2 RCW 9A.52.070</u>		Flag	Custody Status	Arrest Type	Booking No.	Jail	
Fingerprinted (y/n) <u>Y</u>		Photographed (y/n) <u>Y</u>		By <u>#121</u>		Search / Confine by <u>#121 / #122</u>							
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code: <u>W1</u>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Siml. taken? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Name (last, first, middle) <u>SIMMONS, GRADY DEAN</u>				Race <u>W</u> Sex <u>M</u>	DOB/Age Range <u>07/24/57</u>		Alias Names/Identifiers/Clothing					
Street Address <u>13214 97<sup>th</sup> AVE NE #209</u>		City <u>KIRKLAND</u>		State <u>WA</u>	Zip <u>98034</u>	Home Phone <u>821-4131</u>		Place of Employment <u>WATERFRONT CONST.</u>					
Work Phone <u>828-3600</u>		OLN <u>SIMMONS D435M4</u>	SOC <u>WA</u>	Local ID <u>554-02-9734</u>	SID		FBI						
Height <u>6-01</u>	Weight <u>185</u>	Hair <u>BRN</u>	Eyes <u>GRN</u>	Ethnicity <u>N</u>	Residency <u>N</u>	Citation(s) No. and RCW <u>1</u> <u>2</u>		Flag	Custody Status	Arrest Type	Booking No.	Jail	
Fingerprinted (y/n) <u>Y</u>		Photographed (y/n) <u>Y</u>		By <u>Y</u>		Search / Confine by							
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code: <u>V</u>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type Code:	I Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Siml. taken? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Name (last, first, middle) <u>WA STATE DEPT OF TRANSPORTATION</u>				Race <u>W</u> Sex <u>M</u>	DOB/Age Range		Alias Names/Identifiers/Clothing					
Street Address <u>PO BOX 47300</u>		City <u>OLYMPIA</u>		State <u>WA</u>	Zip <u>98504</u>	Home Phone		Place of Employment					
Work Phone <u>10-4490</u>		OLN	SOC	Local ID	SID		FBI						
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW <u>1</u> <u>2</u>		Flag	Custody Status	Arrest Type	Booking No.	Jail	
Fingerprinted (y/n)		Photographed (y/n)		By		Search / Confine by							
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Investigating Officer <u>n</u>		Personnel No.		Approving Supervisor <u>1</u>		U.S. v. Samuel 0110							

MERCER ISLAND POLICE ADDITIONAL INDIVIDUALS FORM										Page ____ of ____		CASE NUMBER <b>CR97-2374</b>	
Inv. Code: <b>X</b>	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type	Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Sim. taken? <input checked="" type="checkbox"/> No	Name (last, first, middle) <b>PETERSEN CHAD EUGENE</b>				Race <b>W</b>	Sex <b>M</b>	DOB/Age Range <b>06/29/63</b>	Alias Name(s)/Identifiers/ Clothing					
Street Address <b>3115 120th Ave NE</b>		City <b>BELLEVUE</b>		State <b>WA</b>	Zip <b>98005</b>	Home Phone <b>425-558-2758</b>		Place of Employment <b>MICROSOFT</b>					
Work Phone <b>936-9098</b>		OLN	State	SOC	Local ID	SID		FBI					
Height <b>5-10</b>	Weight <b>175</b>	Hair <b>BRN</b>	Eyes <b>GRN</b>	Ethnicity <b>N</b>	Residency <b>N</b>	Citation(s) No. and RCW <b>1</b> <b>2</b>		Flag	Custody Status	Arrest Type	Booking No	Jail	
Fingerprinted (y/n) _____ Photographed (y/n) _____ By _____ Search / Confine by: _____													
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type	Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Sim. taken? <input type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Name(s)/Identifiers/ Clothing					
Street Address		City		State	Zip	Home Phone		Place of Employment					
Work Phone		OLN	State	SOC	Local ID	SID		FBI					
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag	Custody Status	Arrest Type	Booking No	Jail	
Fingerprinted (y/n) _____ Photographed (y/n) _____ By _____ Search / Confine by: _____													
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type	Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Sim. taken? <input type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Name(s)/Identifiers/ Clothing					
Street Address		City		State	Zip	Home Phone		Place of Employment					
Work Phone		OLN	State	SOC	Local ID	SID		FBI					
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag	Custody Status	Arrest Type	Booking No	Jail	
Fingerprinted (y/n) _____ Photographed (y/n) _____ By _____ Search / Confine by: _____													
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				
Inv. Code	V Victim W Witness S Suspect	C Complainant R Reg. Owner Z Driver	O Offender X Other M Mis. Person	P Parent J Runaway D Deceased	Victim Type	Individual B Business F Financial Inst.	G Government R Religious S Soc/Public	O Other U Unknown P Police/LE					
Sim. taken? <input type="checkbox"/> No	Name (last, first, middle)				Race	Sex	DOB/Age Range	Alias Name(s)/Identifiers/ Clothing					
Street Address		City		State	Zip	Home Phone		Place of Employment					
Work Phone		OLN	State	SOC	Local ID	SID		FBI					
Height	Weight	Hair	Eyes	Ethnicity	Residency	Citation(s) No. and RCW		Flag	Custody Status	Arrest Type	Booking No	Jail	
Fingerprinted (y/n) _____ Photographed (y/n) _____ By _____ Search / Confine by: _____													
Parent/Guardian notified? <input type="checkbox"/> Yes <input type="checkbox"/> No		Name/Relationship of person notified			Date/Time notified		Notified by		Place of Birth				

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## CONTINUATION/FOLLOW-UP

## Mercer Island Department of Public Safety

Case Number: 97-2374

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Type of Incident: Criminal Trespass / PSP / VUCSA  
VICTIM/Suspect: Young / [REDACTED] / [REDACTED] / Samuel  
Reporting Officer: M. J. Rucker, Det.

Approved by:

Tied-in Reports:

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09/02/97: I received this case for follow up.

I called Microsoft Security, Ofc. Duane Steward (703-2677). He stated that he was working on the call from Ofc. Morris about the Microsoft Card Key. He stated that he had contacted Petersen. Petersen did not know Young. He stated that his card was bent so he took it into have it replaced. He turned in his old one and received a new one. Petersen had all of his key / cards with him. Microsoft listed it as lost, indicating the a card / key was not turned in. Ofc. Steward stated that Peterson would have had to turn in a card to get one. He will come over and look at the items to help us determine where they came from and how the suspects got them.

I received a call from Justin Samuel wanting his property back. He was advised to call me back on Thursday 09/04 and I could talk with him then as I would have gone through the report by that time and could determine what I could release. He would not leave a phone number.

I called Det. S. Lynch of Bellevue PD, who is working the ALF Malicious Mischief there. I advised him of the incident. We discussed the situation. I also advised him of the "bomb" making information found by the officers. He was interested in that, due to 2 recent bombing there. He advised me that Det. R. Thompson is working the bombing cases. We have one at the J.C.C. earlier this year.

I received a case report from Sgt. Lacy, about a recovered stolen boat that was recovered from a dock near where the suspects were arrested. CR 97-2306.

09/03/97: I reviewed the report and left a note for Ofc. Morris to clarify about 5 points of interest in the report.

I contacted Julie (Evidence Tech) and requested access to the drugs found in the possession of [REDACTED]. We went to the evidence room and she pulled 2 packages. I opened Item E-42, which was labeled "ACEFROMAZINE MALEATE INJECTION 10MG/ML". I then wrote down the information and resealed the package, marked and tagged it in the Tech's presence. I then opened the other package and found 2 small bottles of clear liquid. I cut the top on one bottle and attempted to field test it. It was negative. I then sealed this bottle inside another container, and marked it. I repackaged both of the bottles in the evidence package and resealed it. I marked and tagged it in the Tech's presence. I called Walgreens Pharmacy to determine what the drugs were. They did not know. I called Overlake Hospital Pharmacy and spoke to Darren. He stated that the Accpromazine is similar to Thorazine and is used in

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CONTINUATION/FOLLOW-UP  
Mercer Island Department of Public Safety

Case Number: 97-2374.DOC

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Psych. patients. He stated that Acepromazine is not made in the U.S., but is European. It is rarely used in people, and it's primary purpose is for use in veterinary clinics. I called the Animal Medical Center of Bellevue and talked to Dr. Linda Wheeler. She stated that Acepromazine is an animal tranquilizer used to sedate animals. She stated that it is not a controlled substance, but does require a prescription to obtain it. She asked me to describe the other drug bottles. She stated that without the labels it is hard to say what they are. She stated that a good guess is that the other drugs are Ketamine (called Vetalar) which is packaged as I described, and has a yellow labile. She stated that Ketamine is commonly referred to as the "Date Rape Drug". It is an anesthetic. She stated that the Vets have been alerted to the abuse of this drug by people. She stated that it has no real application in people, and is rarely used for that purpose. She stated that these 2 drugs have been obtained by people posing as a vet clinic, calling a second clinic and saying that they ran out of these drugs and need to borrow a bottle and will return it when their shipment comes in. She stated that a prescription is needed to have it, but again it is not a controlled substance. She stated that there would be no reason for a lay person to have these drugs. She stated that she remembered the a Vet office in the Snohomish area was "robbed" in the recent past and that the items could have come from there. I thanked her for the information.

I called Det. Asa Bricker, Snohomish PD (360) 568-0888, and talked to him. He stated that a Vet Clinic in town (they have 2), was burglarized 3 times in the last 6 months. He will check into the reports and get back to me.

I received a call back from Det. Bricker that the case he found was 97-2883, dated 05/04/97 and the victim is Snohomish Vet Hospital.

I met with Microsoft Security Ofc. Steward who looked at the keys and id. He stated that Id, and bus pass were theirs and valued at \$ 500.00. He will check to see if the pass is expired. He stated that the keys attached are not something that is used at Microsoft. I was able to verify through the post office that the USPS key, # 11072 does fit a mail box listed to Peter Young at Mercer Island.

09/03 & 09/04/97 I have had contact with Peter Young, Justin Samuel and [REDACTED] about returning some their persona items. I have coordinated with Evid. Tech Stuvland to note which items would be release. She is keeping track with property receipts.

09/04/97: I called the WSP Crime Lab and talked to Judy Nickels. She stated that she was not that familiar with Acepromazine and will look into it for me. As far as the Ketamine is concerned it is Federally Controlled. She advised me to have the items brought into her and she will check them and let me know shortly what they are and related information. If the one items is Ketamine, it is a hallucinogen, not the "date rape" drug.

09/05/97: I called Patrick Forinash, Wa. St. D.O.T. Right of Way agent (440-4222) and left a message that I wanted to talk to him about the house, 6420 SE 24, and how it was secured and posted.



CONTINUATION/FOLLOW-UP  
Mercer Island Department of Public Safety

Case Number: 97-2374.DOC

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09/08/97: I met with S.A. Carol Hansen, U.S.F.S., and gave her a copy of the unclaimed photographs that we had developed. She stated that it appeared to be related to a case in Eugene Oregon area. She will check and get back to me. We discussed this case and exchanged information.

09/09/97: I received a fax copy of a Microsoft Report from Ofc. Steward. It essentially stated that they do not know how the M.S. identification on Petersen came into the possession of suspect Young. The identification was turned into MS, and was reported as lost. The Metro pass attached to the identification is expired as of May 97, and therefore does not have a monetary value.

I received a continuation report from Ofc. Morris about several questions that I had for this case. They are:

- 1) The keys that unlocked the house was found in Samuel backpack. This was the pack claimed by Samuel. The report also indicated that they officers tried the keys in the door lock and it worked.
- 2) How the house was secured. Officer Morris explains this.
- 3) Did suspects make any statements. No. They refused to answer.
- 4) The suspects specifically claimed items, and denied that they owned anything else, and did not say that anything left belonged to anyone else. Peter Young arrived 3-5 minutes after Ofc. Morris left with the first load of evidence. He was contacted by Ofc. Robarge. Young denied ownership of anything in the house, specifically the bags that were found in the house.

The suspects ( [REDACTED] Young & Samuel) contacted Det. Rucker about obtaining personal property. Det. Rucker obtained lists of the items the suspects wanted, checked those items to make sure that they were not of an evidence nature, and released only personal property like sleeping bags, clothes, and back packs. The suspect signed Property receipts showing the transaction.

Food stuffs were left at the house.

I talked to Pat Forinash, WADOT. He stated that he acquired the property for the State. He stated that he had Byron Brown, his maintenance man secure the house. He stated that he (Forinash) had been by the house on several occasion to check the locks. He stated that they had used locks and hasps to secure the house. He stated that Brown (768-5708) could provide the information on how the house was secured and when. Forinash will send me a statement as to what he knows. I called Mr. Brown and left a message.

I obtained the narcotics from Evidence and took them to the WSP Crime Lab for analysis. I left them for Judy Nickells (who was aware of the situation).

1500 hours, Mr. Forinash came into the station and I met with him. He stated that he was at the house with a crew cleaning it up. He stated that there were several items that he wanted to know if he could throw them out. He stated that it consisted of several mattresses and food items. I advised him that he could do that. He stated that he had found where all of the locks DOT had put on the house were superglued shut so no entry could be gained. He stated that he found a book and the No Trespassing sign in the house. He gave me a book, from a library, and a white sign stating NO TRESPASSING. He stated

CONTINUATION/FOLLOW-UP  
Mercer Island Department of Public Safety

Case Number: 97-2374.DOC

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that he found the book and the sign in a bookshelf inside the house. He stated that he recognized it as theirs because the Names and phone numbers on the sign were the DOT persons assigned to post and show the house to prospective buyers. I asked him for a statement about his knowledge of the situation, what he found at the house, and copies of any receipts that he may have for repairing the damage and cleaning up. He stated that he would have to me shortly. I also wanted to locate the DOT worker who actually secured the house originally. He stated that he would work on that too. I marked the items and put them into evidence.

09/10/97: I contacted the W. Wa. Univ. Library and found out that the book was checked out from them to a person named Jeffrey Larson. They will contact Larson to see if the book was stolen from him or lost. It is listed as over due.

I contacted the Mercer Island McDonald's to determine if they had lost the banner recovered by Ofc. Morris. I advised them what the banner was and they stated that all of those banners were thrown in the garbage and are of no value to the store.

09/10/97: Victim / Witnesses Allen Daniels, Chuck Page and Mike Wilson came into the station and contacted me to view the property that was recovered from the suspects. We went to the Evidence locker and signed in. We viewed the property. Daniel identified his knife (E-24), and stated that if I took the knife out of the sheath I would find where he filed the top of the blade to make it sharp after he dented it. I checked and found that it was a match to what he said. Page identified items E-23, E-44, E-59 and an unmarked Irwin 1 1/2" drill bit. I marked this as E-98 and made out a property report for it. Wilson identified E-57, and then verified the items E-16, E-49, E-58, E-59, E-60, E-61, E-62, E-63, E-64, E-65, E-66, E-67 and E-84. These items were also identified by Witness Simmon. Wilson noted that E-67, a partial piece of paper listing Waterfront Construction had a pager number belonging to Simmon imprinted on it. I signed us out of the property room, went to my office and obtained statements from the Witness / Victims. They then left.

The values of the identified property (according to the Victims) is listed below:

E-16 Torches (\$ 400.00 - Wilson, \$ 500.00 Simmon)  
E-24 Knife (\$ 45.00 - Daniel), E-23 Binoculars (\$ Unk - Page), E-44 Walki - Talki (\$ 100.00 - Page),  
E-49 Dive Mask (\$ 60.00 - Wilson), E-57 Hammer (\$ 27.00 - Wilson / Simmon), E-58 Duct Tape (# 3.00),  
E-59 12" Wrench (\$ 20.00 - Page), E-60 Nozzles (\$ 40.00 - Wilson / Simmon), E-61 Welders Mask (\$ 30.00 - Wilson / Simmon),  
E-62 Welders Mask (\$ 30.00 - Wilson / Simmon), E-63 Electrical Tape (\$ 1.00), E-64 Allen Wrenches (\$ 5.00 - Wilson / Simmon),  
E-65 Drill Bits (\$ 12.00 - Wilson), E-66 Box (\$ Unk.), E-67 Document (No value), E-84 Dive Boots (\$ 30.00 - Wilson), E-98 Drill Bit (\$ 17.00 - Page).  
Total Value of recovered property at this time, as established by the victims is approximately \$ 800.00 to \$ 900.00 since the items are used.

09/11/97: I obtained the mail (E-70 & E-73), from the evidence locker that is listed to the Mercer Island Cycle Shop. I found out that the cycle shop went out of business at the Mercer Island location, in the last 2 weeks. I will have to contact the Issaquah shop for follow up. The date on one piece of mail was June

CONTINUATION/FOLLOW-UP  
Mercer Island Department of Public Safety

Case Number: 97-2374.DOC

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1997 (general information for this volume), and the other was dated June 27, 1997. Both are some sort of bike parts and price list.

09/12/97: I received a call from a person named [REDACTED]. He stated that he had a number of belongings in the DOT house at the time that Peter Young was arrested. He wanted to know if he could obtain his property. I advised him that his name was not on the report. I needed him to fax me his name, address, D.O.B, and a list and description of the property that he wanted and I would check into it and get back to him. He stated that he would do that.

I contacted Alex, the manager of Hollywood Video on Mercer Island. I checked the titles and the barcodes for the movies that we have in evidence. Batman and Robin (2518480001), Magic School Bus (25117925001) were listed by the code as being in the store and not having been checked out after August 15, 1997. The Phantom Tollbooth (no barcode), is the only one they have. It too is listed as being in the store and not checked out since the middle of August. She will supply the barcode for me to check against the copy that we have. She is going to send me statement about this information ASAP. The videos were removed from a backpack (E-48) belonging to [REDACTED].

09/16/97: I called Hollywood Video to talk with Alex (Manager) about the statement she was to send me. She was not in until Thursday.

09/18/97: I called Pat Forinash, WSDOT, and requested again, a statement from him about the incident. He stated that he would finish it with the damage estimates and sent it to me today. I called Hollywood Video and found out that Alex will not be in until 1600 hours. I will have patrol contact her to get the statement.

09/19/97: I will forward the statements from the witness to the prosecutor's office as soon as I get them.

Case report prepared for filing on Suspects Young, [REDACTED] Samuel and [REDACTED] for PSP 2, Trespass 2, Malicious Mischief 3 and VUCSA (pending lab analysis).

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## CONTINUATION/FOLLOW-UP

Mercer Island Department of Public Safety

Case Number: CR97-2374

Type of Incident: CRIMINAL TRESPASS FIRST DEGREE  
POSSESSION OF STOLEN PROPERTY  
VUCSA

VICTIM/Suspect: OFFENDERS:

[REDACTED]  
[REDACTED]  
[REDACTED]  
SAMUEL, JUSTIN CLAYTON  
YOUNG, PETER DANIEL

Reporting Officer: MORRIS #121 *gm*Approved by: *J Franklin* #110

Tied-in Reports:

PROPERTY DAMAGE:

-ONE BROKEN WINDOW ON THE SOUTH SIDE OF THE UPSTAIRS OF THE RESIDENCE NEXT TO A SIDE DOOR. ONE COULD REACH IN THROUGH THIS WINDOW AND UNLATCH IT TO GAIN ACCESS TO THE HOUSE. UNKNOWN AMOUNT OF MONETARY DAMAGE.

-ONE BROKEN WINDOW ON THE NORTH EAST PORTION OF THE UPSTAIRS OF THE RESIDENCE. ONE COULD REACH IN THROUGH THIS WINDOW AND UNLATCH IT TO GAIN ACCESS TO THE HOUSE. UNKNOWN AMOUNT OF MONETARY DAMAGE.

EVIDENCE:

E-1: ONE PLASTIC BANNER ADVERTISING THE MCDONALD'S ARCH DELUXE FOUND HANGING IN THE NORTH BEDROOM ON THE NORTH WALL. UNKNOWN WHAT MCDONALD'S IT WAS STOLEN FROM. UNKNOWN VALUE.

E-2: ONE PANASONIC 8-TRACK TAPE PLAYER FOUND IN NORTH BEDROOM NEXT TO MATTRESS WITH BAG OF 8-TRACK CASSETTES. UNKNOWN OWNER.

E-3: MINI TAPE PLAYER, HAT, WIRES, TELEPHONE CONTROLLER FOR HEADSET FOUND IN CLOSET IN NORTH BEDROOM. UNKNOWN OWNER.

E-4: MISC. TAPES AND COMPACT DISCS FOUND IN NORTH BEDROOM. UNKNOWN OWNER.

# Mercer Island Department of Public Safety - Crime Info

September 17, 1997

## A.L.F. Update

[REDACTED] S.

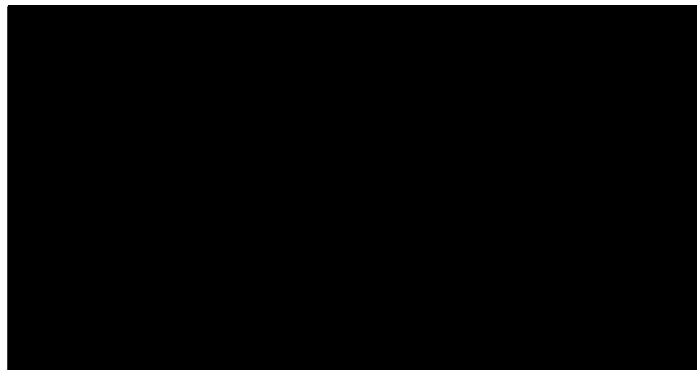
[REDACTED] A.

Samuel, Justin C.  
WMA, dob: 123178

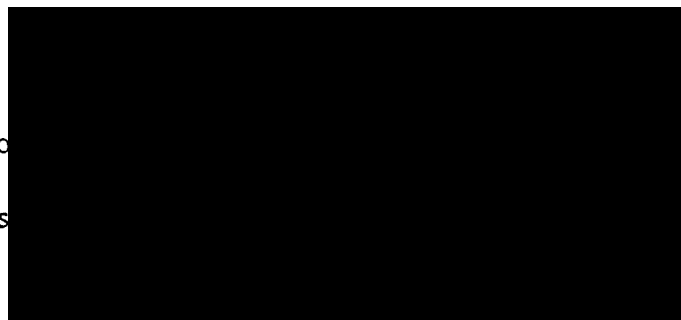
Young, Peter D.  
WMA, dob: 062677

On August 30th, four persons were arrested in a vacant house belonging to the Washington State Department of Transportation near I-90 and West Mercer Way. Based on past activities and on items found in their possession subsequent to the arrest, it is believed that all four of these persons are animal rights activists and may consider themselves to members of the Animal Liberation Front (ALF). WSDOT had posted the house with 'No Trespassing' signs, and put locks on the doors. It appears that one of the arrestees had replaced one of the locks on the house with one of their own, and had issued keys to friends. Additionally, other locks on the house had been disabled with glue being inserted into the locks. It appeared that the subjects had been living in the house for one to two months. Found in the house were mattresses, backpacks, sleeping bags, food, a cooking stove, water bottles, a heater, candles, and bolt cutters. Also found in the house was property that had been taken in recent waterfront burglaries on Mercer Island and in Medina. Among the items of interest that were found to belong to the subjects were the following:

- Stickers reading: "Go Vegan!", "Animal Liberation Now!", "MEAT IS MURDER", and the word "FUR" in a circle with a slash through it (International 'NO' symbol).
- "The Poultry Digest - production information for the broiler, egg & turkey industries"
- "Who's Who - in the egg & poultry industries in the USA and Canada"



[REDACTED] S.



[REDACTED] A.



SAMUEL, Justin C.

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# Mercer Island Department of Public Safety - Crime Info

September 17, 1997

- Book: "Free the Animals - The Untold Story of The US Animal Liberation Front & Its Founder, 'Valerie'", by Ingrid Newkirk.
- Copies of pages from a book on home brewing explosive compounds - pages are marked "FOR OFFICIAL USE ONLY" (may be military).
- Booklet: "Writings of the Vegetable Liberation Front", includes section on "Product Liberation" aka Theft.
- Book: "Unleashing Rights", relating to the birth of ALF, court decisions, and rights and tactics.
- Numerous maps, without markings, of Washington and Oregon.
- A summons from Anoka county, Minnesota, indicating that some of these subjects are riding freight trains.
- Photographs of activity relating to damage of a logging operation in a US forest.



YOUNG, Peter D.

Some interesting related events:

Bellevue PD reports arresting [REDACTED] and [REDACTED] on the early morning of August 8th after they had broken into an abandoned and posted house.

[REDACTED] has long been associated with [REDACTED] and Young.

In October, 1996, after six months of malicious mischief to businesses on Mercer Island, apparently by ALF, [REDACTED] and YOUNG were contacted in the early morning hours by

police. In their vehicle were observed various kinds of gloves, and stocking (ski) masks. Both admitted to officers that they were involved in animal rights groups. Their car was impounded so a search warrant could be obtained. Coincidentally, Mercer Island ceased to have animal rights related vandalism after this contact, and the vandalisms moved to other eastside cities.

A mink farmer in the Snohomish, Washington area reported that on a week night during the week of July 14, a family member came home at about 0100 hours and saw a car with four people in dark clothing standing around it, three males and one female. The car was stopped near the fence line of the farm's property, and the subjects had duct tape wrapped around their pants cuffs. Vehicle license was WA: 627EPQ. This vehicle appears to be registered to SAMUEL's parents. The farm was not bothered apparently because of the attention the family gave to the car and these subjects.

It is worth noting that at least four of these five subjects have shaved their heads. This could be an attempt on their part to align themselves with an animal rights faction known as "Straight Edge". Straight Edgers are

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EXHIBIT #

14

VANDALS ATTACKING EASTSIDE OUT ... 12/02/96Publication: Journal-American  
Published: 12/02/96VANDALS ATTACKING EASTSIDE OUTLETS IN NAME OF ANIMALS

By Tracy Johnson

vandalism at Eastside food outlets by apparent animal-rights activists has increased this year, leaving windows shattered, walls covered with graffiti — and police puzzled.

Since March, more than a dozen Eastside businesses have been damaged by what police believe are animal-rights activists protesting treatment of animals raised for food.

Most recently, spray-painted graffiti caused \$2,000 in damage at a meat distributing plant in Kirkland last month. Before that, vandals knocked out plate-glass windows at the Honey Bee Hams outlet in Bellevue, causing more than \$12,000 damage. In September, vandals broke windows and sprayed graffiti at a McDonald's restaurant on Mercer Island.

Messages such as "Meat is murder!" "Dairy is Torture!" and "Animal Killers!" and often the initials "A.L.F." are scrawled on walls and amid the broken glass. Police believe the signature denotes the Animal Liberation Front, an elusive militant group associated with break-ins at animal-research laboratories around the country.

But the reason for the increase in such incidents remains unclear.

Mercer Island police have seen the brunt of the Eastside's animal-meat related vandalism, and they are working with other police departments to uncover common threads.

"We're all exchanging as much information as we have," said Mercer Island police Sgt. Alan Lacy.

Suspects, but no arrests

Though no one has been charged with any of the Eastside incidents, police do have some suspects.

On Oct. 13, a Mercer Island policeman came upon two young Eastside men aiding a dog that had been hit by a vehicle on Mercer Island. It was 1 a.m. and both men were dressed in dark clothes, Lacy said. Suspicious, the officer shined a flashlight into their car where he saw ski masks, cloth gloves and surgical gloves. The men would not consent to a vehicle search.

"They both admitted to being involved in animal rights," Lacy said. But without sufficient evidence, police could not pursue the matter.

Lacy believes the two men were involved in the recent incidents of Eastside vandalism. But police have no way of knowing whether that vandalism was the work of the A.L.F., as the graffiti often claims.

Though the group is only loosely organized, an A.L.F. Internet web site provides guidelines for actions its members admit are illegal.

Members are encouraged to free trapped animals and to "inflict economic damage to those who profit from the misery and exploitation of animals," according to the guidelines on the Internet.

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JAN-03-1997 17:49 FROM J H NEWBURN

## Hiding their identities

They are also encouraged to send reports of their militant actions to an intermediary group, but cautioned to type their letters on public typewriters, wear gloves to avoid fingerprints and dampen postage stamps with a sponge.

Another web site logs dozens of acts of animal-rights vandalism across the country and in Canada this year. Many involved leaving restaurants and leather shops with shattered windows, glued locks and graffiti - destruction the log refers to as "the normal treatment."

Several Eastside incidents were on the list.

The A.L.F. also claimed credit for destroying a sea-lion trap at the Ballard locks and releasing 80 mink from a Washington fur farm earlier this year.

Students for Animal Liberation, a group at the University of Washington and other colleges, supports the A.L.F. and the animal-rights vandalism that has taken place on the Eastside.

The Oct. 9 incident at Honey Bee Hams that left the Bellevue deli with \$12,600 worth of smashed windows and spray-paint damage - including the message "Animal Killers! A.L.F." - was the one that group members were most familiar with.

"They make their living selling the corpses of dead animals," said Peter Young, 19, of Seattle. "The business deserves to be shut down."

## Supports A.L.F.

"We support anything the A.L.F. does toward the goal of animal liberation," explained [redacted] of [redacted], a university student.

"Economic damage is the ultimate goal," explained Justin Samuel, 17, of Seattle. "As soon as it's not profitable, these (businesses) will stop doing it."

Ten members at a recent group meeting seemed to agree that vandalism could not be considered violent - only harm against living things is violent.

"The A.L.F. looks at what goes on in the slaughter houses as the real violence," [redacted] said.

The group has been involved for the past two years in "Fur-Free Friday" protests on the busy, post-Thanksgiving shopping day. Two of the group's members were arrested last year for protesting fur sales at Nordstrom.

This year, the protest was at the Westlake Center Bon Marche. [redacted] broke no laws.

[redacted], who helped found the group more than a year ago, would not comment on whether members ever used property-damaging tactics to spread their message. However, she characterized many other animal-rights efforts as too conservative.

"As far as tactics and philosophies . . . , younger activists tend to be attracted to a more radical group," she said.

page 2

2



cards and interviews.

David was locked up for 32 hours. Boulder spent four hours in jail.

### Not everyone agrees

But others are turned off by such tactics.

Redmond resident Joanna Logan, who characterizes herself as an animal-welfare advocate, was a member of a local group, Northwest Animal Rights Network, in 1987. But she resigned after only six months when she decided the group was too extreme.

The "Meat is Murder" concept, she added, is philosophically absurd; many animals are naturally carnivores. But she opposes cruel treatment of animals and factory-farming techniques, which she said confine animals in crowded, inhumane conditions.

Logan, 49, said she was not averse to picketing, demonstrating or handing out leaflets. But she draws the line at the recent storm of window-shattering and graffiti at Eastside food outlets.

"I am totally against what happened to these restaurants," she said. "I think that's appalling."

STATEMENT REFERENCE CASE NO. 97007570

STATEMENT OF DETECTIVE RON CORCORAN.

On October 23, 1997, at approximately 10 p.m. Detective Ron Corcoran of the Trempealeau County Sheriff's Dept. while off duty did stop at a place of business called the Budget Mart. This Budget Mart is located in the City of Galesville, County of Trempealeau, State of Wisconsin.

Prior to entering the Budget Mart, Detective Corcoran did observe a Red Chevy Geometro parked in the parking lot of the Budget Mart. Detective Corcoran observed that this Geometro did have a State of Washington license plate and that the license plate number was 560GDO. As Corcoran walked by the Red Geometro he observed that the vehicle contained sleeping bags and other clothing inside of it. It appeared the interior of the vehicle was quite messy. Corcoran did enter the Budget Mart and did walk to the rear of the building where there are two booths located. One booth was occupied by a person Corcoran knows as Dick McKeeth and the second booth was occupied by two unknown white males, ages approximately 21 to 23 years. Both of these young males had their hair cut very close to the scalp or their hair had been recently shaved and showed new regrowth. Both young males had dark brown or black hair and both were approximately 5 feet 10 inches tall and appeared to weigh approximately 150 lbs. Their clothing appeared to be baggy or loose on them. They appeared to be dirty and wrinkled and some of their clothing was torn. One of the males wore glasses. This subject Corcoran observed had some type of stickers and also what Corcoran believed to be burdock attached to his shirt. It appeared as if the person had walked or laid down in a wooded area. One of the young males wore a military style pants which were green in color and Corcoran did observe laying in the booth next to him was a book titled "The Rise of Facism". Both of the young males were eating food that they brought into the Budget Mart with them. The Budget Mart employee apparently gave them permission to use the microwave to heat their food. Detective Corcoran started a conversation with both young males and they stated they were from the State of Washington and that they were not college students. They stated that they were just on a trip to visit friends and that they were now on the way to the Green Bay-Sheboygan area and then possibly to Virginia and on to Florida. Corcoran asked them if they were taking Highway 54 which intersects the Southern edge of Galesville and travels across the State of Wisconsin to the Green Bay area and they advised they did not know which route they were taking as they were now looking for a place to spend a few hours resting.

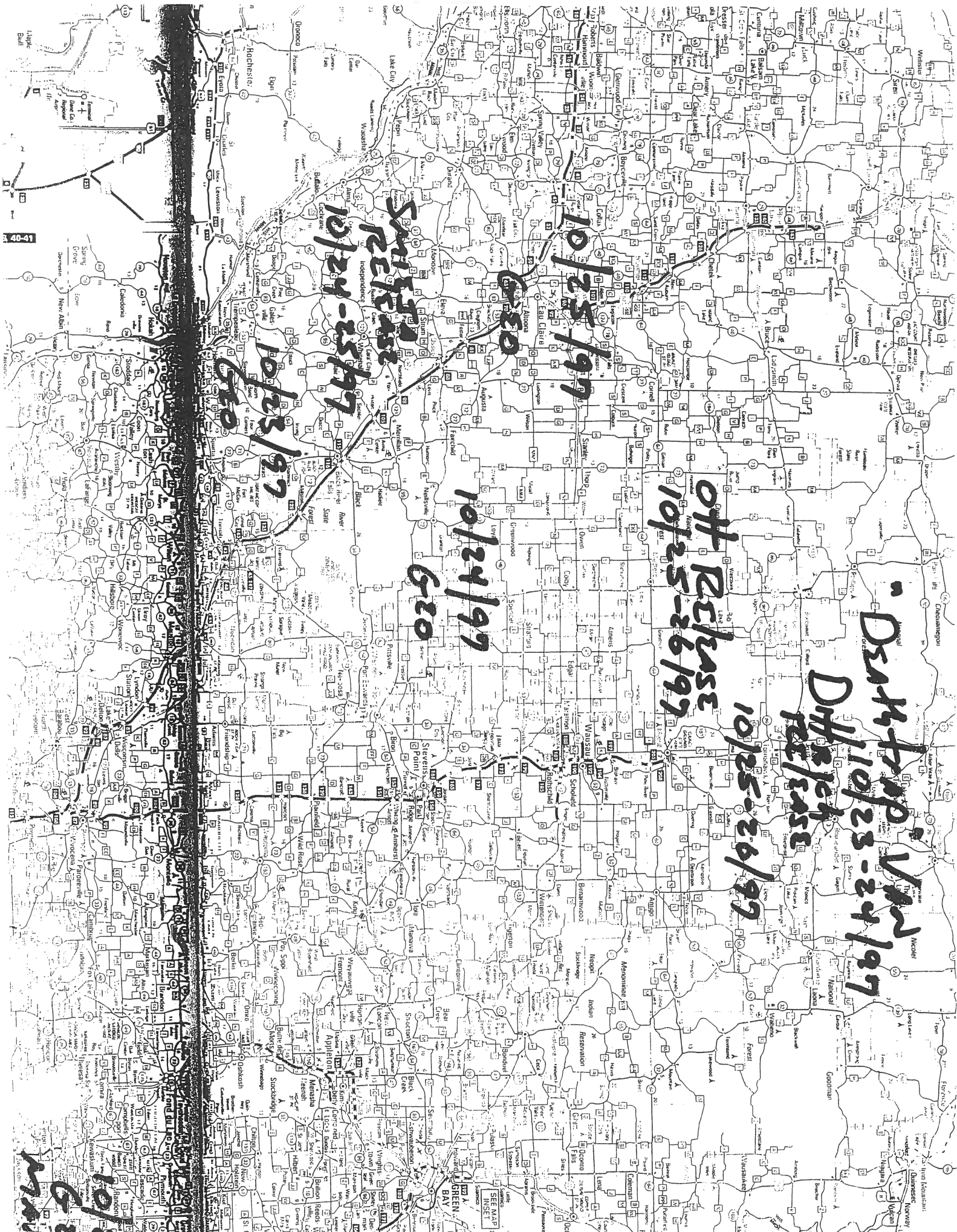
Page 2.

Corcoran asked them why they had got off the interstate and were traveling on Highway 53 and one of them responded they just wanted to see the country. Corcoran advised them that it was difficult to see the country traveling at night. One of them then commented that they had come from the West where there no trees and that it was good to see trees again.

At approximately this time the employee of the Budget Mart advised the two subjects that if they were going to finish eating they had better hurry up as he was closing at 11 p.m. At this time at approximately 10:45 the two subjects got up from the booth, packed their food and beverages in a bag and both left the building. Both subjects were polite in their conversation but were evasive in the conversation not wanting to give any detail of where they had been or where they were going.

At approximately 11 p.m. on 10/23/97, Detective Corcoran did call the Trempealeau County Sheriff's Dept. by telephone and did have dispatch check the registration on Washington plate 560GDO and was advised that there were no wants on that vehicle. Dispatch advised that the plate listed to a [REDACTED]  
[REDACTED]

*Ron Corcoran* 10-28-97  
DETECTIVE RON CORCORAN  
*Trempealeau Co. S.O.*



3 40-41

10/24-25/97  
Difficult Release

10/25/97  
GEO

10/23/97  
GEO

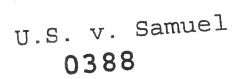
10/24/97  
GEO

Off Release  
10/25-26/97

10/25-26/97

DASH for VAND  
Difficult Release  
10/23-24/97

G  
10/1





NORTH DAKOTA AND SOUTH DAKOTA 91

# NORTH DAKOTA SOUTH DAKOTA

Scale in Miles



Scale in Kilometers

ONE INCH EQUALS APPROXIMATELY 2.5 MILES OR 4.0 KILOMETERS

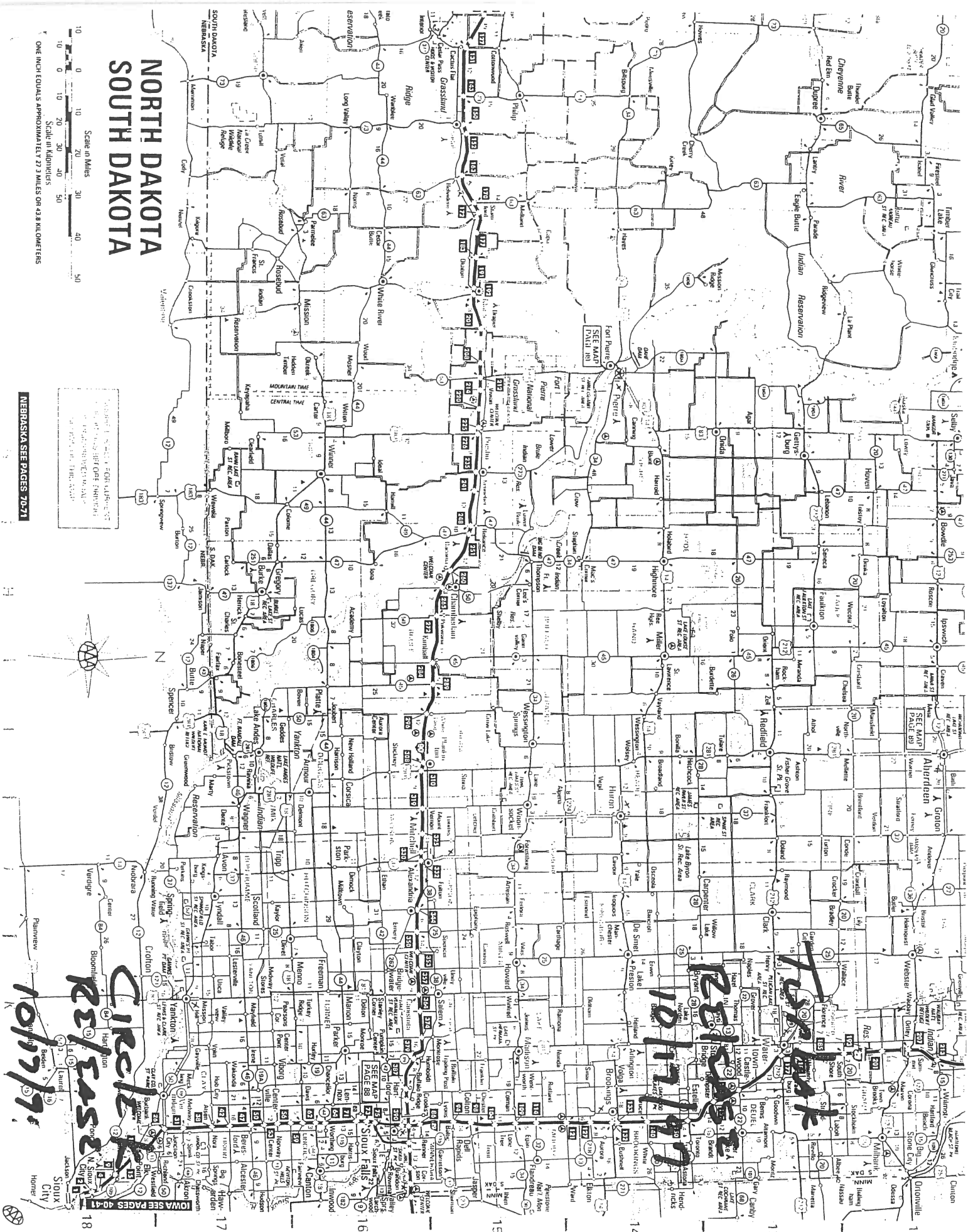
NEBRASKA SEE PAGES 70-71

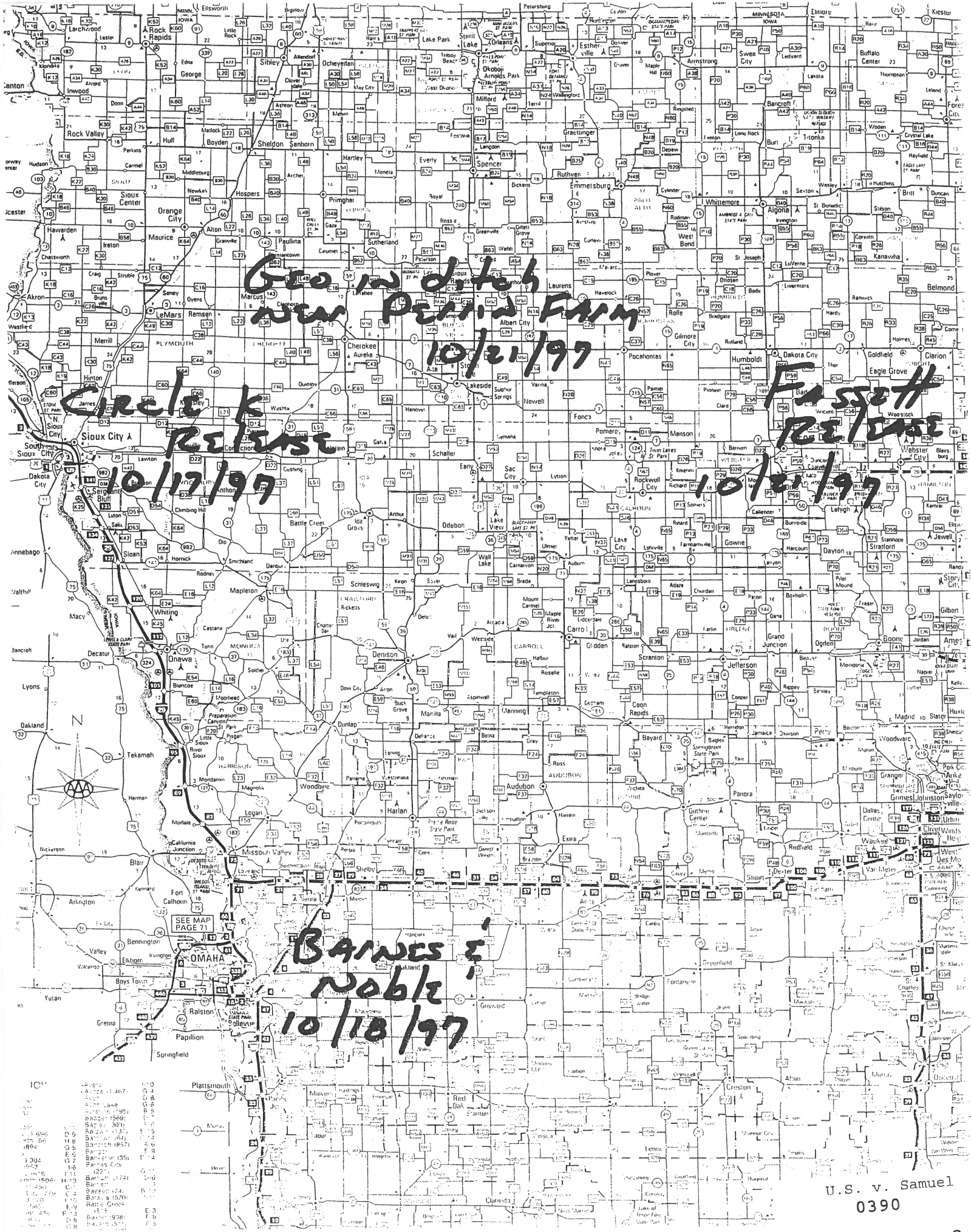
NEBRASKA SEE PAGES 70-71

IOWA SEE PAGES 40-41

*Circle K*  
*Reliance*  
*John's*

*Reliance*  
*John's*





U.S. v. Samuel  
0390

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/6/97

Writer contacted Detective Lewis Albrecht, Clark County Sheriff's Department, Neillsville, Wisconsin, telephone number (715) 743-3157.

Detective Albrecht was being contacted for information regarding an alleged confrontation which had occurred between an Amish individual in the area and two white males in a red Geo Metro vehicle.

Detective Albrecht sent via facsimile (fax) a copy of their Incident Report consisting of four pages which is attached hereto and considered part of this FD-302. It was discussed with Detective Albrecht that in view of the report and prior interview of the Amish witness, NEIL M. BORINTRAGER of North 03488 Ridge Road, Granton, Wisconsin, date of birth, January 14, 1957, that there would be no need for an immediate interview of BORINTRAGER. It was decided that if suitable photographs in a photo spread were obtained, BORINTRAGER would be contacted for possible dissemination and review.

If it is determined later that a photo spread will not be shown, BORINTRAGER may be contacted for an interview. It should be noted as indicated in attached report that BORINTRAGER observed a vehicle bearing Washington License Plates 560GDO or 560DGO.

Investigation on 10/31/97 at Wausau, Wisconsin

File # 291-MW-36601 - 37 Date dictated 11/4/97

by SA NORMAN E. BRUNER:CAL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U.S. v. Samuel  
0003

*See Det Lewis Albrecht (715) 743-3157*CLARK COUNTY SHERIFF'S DEPT  
CASE: 97-1000125

PAGE 1

10/30/97

Case Type: INFRACTION  
Scheduled Review Date:  
Reviewing Supervisor:  
Offense Description 750A: SUSP PERSONS

Status:

Cross Ref:

INCIDENT NUMBER: CLS973020014

Place of Occurrence:  
W03488 RIDGE RDArea: 015 Beat: 06 Shift: 1  
Reporting Officer: DEP. KARAU /STEVEN

Reported	Dispatch	Enroute	Arrived	Cleared	Occurred From-To
10/29/97	10/29/97	10/29/97	10/29/97	10/29/97	
15:45	15:45	15:45	17:39	17:53	:00 :00
Offense Description 750A: SUSP PERSONS					

## SUPPLEMENTAL INFORMATION

## \*\* NAME:

Involvement: INFORMANT  
Name: BORNTRAGER  
Addr: N03488 RIDGE RD GRANTON WI 54436  
Bus Phone:  
Drivers License Number:  
Date of Birth: 1/14/57  
Officer Safety Hazard: NO  
Race: WHITE  
Height:  
Eye Color:Party Number: 1  
NEAL M  
Occupation: AMISH

State: Class:

Victim of Violent Crime Notif: NO  
Sex: MALE  
Weight:  
Hair Color:

## \*\* VEHICLE:

Involvement: DISPATCH INFORMA  
Type: PASSENGER Make: CHEV  
Color - Primary:  
License Number 560GDO  
Wheel Type:  
Photo: NOVehicle Number: 1  
Model: GEO METRO  
Secondary: RED  
State: WA  
VIN Number: 2C1MR2466M6751230

## \*\* NARRATIVE:

REPORTING SUSP VEHICLE WASHINGTON PLATES SEVERAL NIGHTS AGO PARKED  
BEHIND SILO AND WALKED UP TO PINE TREES W/BED ROLLS HE HAS PLATE #  
SAYS WHEN HE HOLLERED AT THEM THEY CAME OVER AND TOLD HIM THEY WERE  
GOING TO SLEEP UNDER THE TREES HE TOLD THEM THEY COULDN'T DO THAT AND  
THEY LEFT. 515

CLARK COUNTY SHERIFF'S DEPT  
CASE: 97-1000125

PAGE 2

10/30/97

OFFICER REPORT  
DATED: 10/29/97

On 10/29/97 at 5:29 p.m., I spoke with Neal M. Borntrager, m/w, dob 01/14/57. Neal lives at N3488 Ridge and also owns property at W3435 Ridge Rd. Neal said he had been advised by Mr. Short to watch for strange activity in the area because of problems at the Fur Farms.

Neal said that on Friday evening at about 4:50 p.m., a small red car drove onto his property at W3435 Ridge Rd. The vehicle parked behind the old empty farm house at that location. Neal went to check on the car and saw two male subjects walking across the field to the south. Neal yelled and called the two males back to the car. When asked what they were doing, they told Neal they were traveling to the east coast and were looking for a place to camp. Neal told them they were on private property and that he was aware of people causing problems at fur farms. The two subjects then left the area leaving w/b on Ridge Rd. It appeared one subject was reading some type of book as they drove by Neal's farm.

Neal said both subjects were 25-30 year old males, one with glasses. Neal said he thought he would know the subjects if he saw them again.

Vehicle was a compact car, red in color, state of Washington plate number 560GDO or 560DGO. Neal drew a sketch of the shape of the car which appeared it could be a GEO make.

Attached is the plate number run. It is on a GEO Metro. All information appears to match the information from Taylor County.

No paper report filed, computer file only.  
526/Dep. Karau  
ce



CLARK COUNTY SHERIFF'S DEPARTMENT  
OFFICER'S REPORT

CASE#: CLS 973020014 REPORT DATE: 10-29-97  
INCIDENT LOCATION: W3435 Ridge Rd.  
Municipality/Township: Grant Sec. 15  
County/State: Clark County WI  
INCIDENT DATE: 10-24-97 INCIDENT TIME: 4-5pm  
Referred to DA's office: Y N Date: \_\_\_\_\_

## CASE SYNOPSIS:

On 10-29-97 at 5:29p I spoke with Neal M. Borntrager m/w 01-14-57. Neal lives at N3488 Ridge Rd and also owns property at W3435 Ridge Rd. Neal said he had been advised by Mr Short to watch for strange activity in the area because of problems at Fur Farms.

Neal said that on Friday evening at about 4-5pm a small red car drove onto his property at W3435 Ridge Rd. The vehicle parked behind the old empty farmhouse at that location. Neal went to check on the car and saw two male subjects walking across the field to the south. Neal yelled and called the two males back to the car. When asked what they were doing they told Neal they were traveling to the east coast and were looking for a place to camp. Neal told them they were on private property and that he was aware people were causing problems at Fur Farms. The two subjects

Officer's Signature

Steven J Karaw

CLARK COUNTY SHERIFF'S DEPARTMENT  
OFFICER'S REPORT

CASE #:

REPORT DATE:

then left the area leaving west bound on Ridge Rd. It appeared one subject was reading some type of book as they drove by Neal's farm.

Neal said both subjects were 25-30 yr old males, one with glasses. Neal said he thought he would know the subjects if he saw them again.

Vehicle was a compact car red in color. State of Washington Plate 560GDO or 560DGO.

Neal drew a sketch of the shape of the car which appeared it could be a Geo make.

Attached is the plate number run. It is on a Geo Metro. All information appears to match the information from Taylor county.

Officer's Signature:

Steven J. Korman

The following investigation was conducted by  
Special Agent (SA) NORMAN ED BRUNER at Granton, Wisconsin,  
(Clark County) on November 15, 1997:

Writer met with Clark County Sheriff's Office (CCSO)  
Detective Louis Albrecht for two reasons. The first was to  
attempt to locate and interview NEAL BORNTREGGGER, an Amish farmer  
residing at N3488 Ridge Road, Granton, Wisconsin, date of birth,  
January 14, 1957. BORNTREGGGER's property borders the  
SHORT MINK FUR FARM located on Highway 10, Granton, Wisconsin.

Although numerous efforts were made during the course  
of this day, BORNTREGGGER could not be located for interview.  
Detective Albrecht was furnished several colored photographs  
depicting a red Geo Metro bearing State of Washington License  
Plate 560-GDO, for ultimate display to BORNTREGGGER. Detective  
Albrecht advised that he would attempt to locate BORNTREGGGER in  
the near future and provide by report the results of contact.

The second reason was to contact BONNIE SHORT who  
apparently had some information regarding an occurrence on  
Sunday, November 9, 1997, regarding a female taking pictures of  
the mink ranch from Highway 10, Granton, Wisconsin.

Writer contacted BONNIE SHORT at W3331, Highway 10,  
Granton, Wisconsin 54436, telephone number (715) 238-7378. SHORT  
advised that she learned of information from MARLENE  
KUECHENMEISTER at telephone number (715) 743-2499, that a  
college-age female describing as having long blonde hair was  
standing on Highway 10 taking photographs of the mink ranch which  
is situated on the north side of the highway. She advised that  
this apparently occurred according to MARLENE on Sunday,  
November 9, 1997, between 2:00 p.m. - 3:00 p.m.

SHORT advised that the only descriptive data MARLENE  
provided regarding the vehicle the female was driving was that it  
was a grey in color small vehicle similar to the style of a  
Honda. She further advised that no other individuals were  
observed in the vehicle or accompanying the female while taking  
the photographs.

SHORT advised that MARLENE indicated that the license  
plate on the vehicle was Wisconsin License Plate GRJ-954. SHORT  
further advised that when she further learned of this information  
from MARLENE that it was actually GARY KUECHENMEISTER, MARLENE's  
husband, who had made the observation.

291-MW-36601  
NEB:CAL

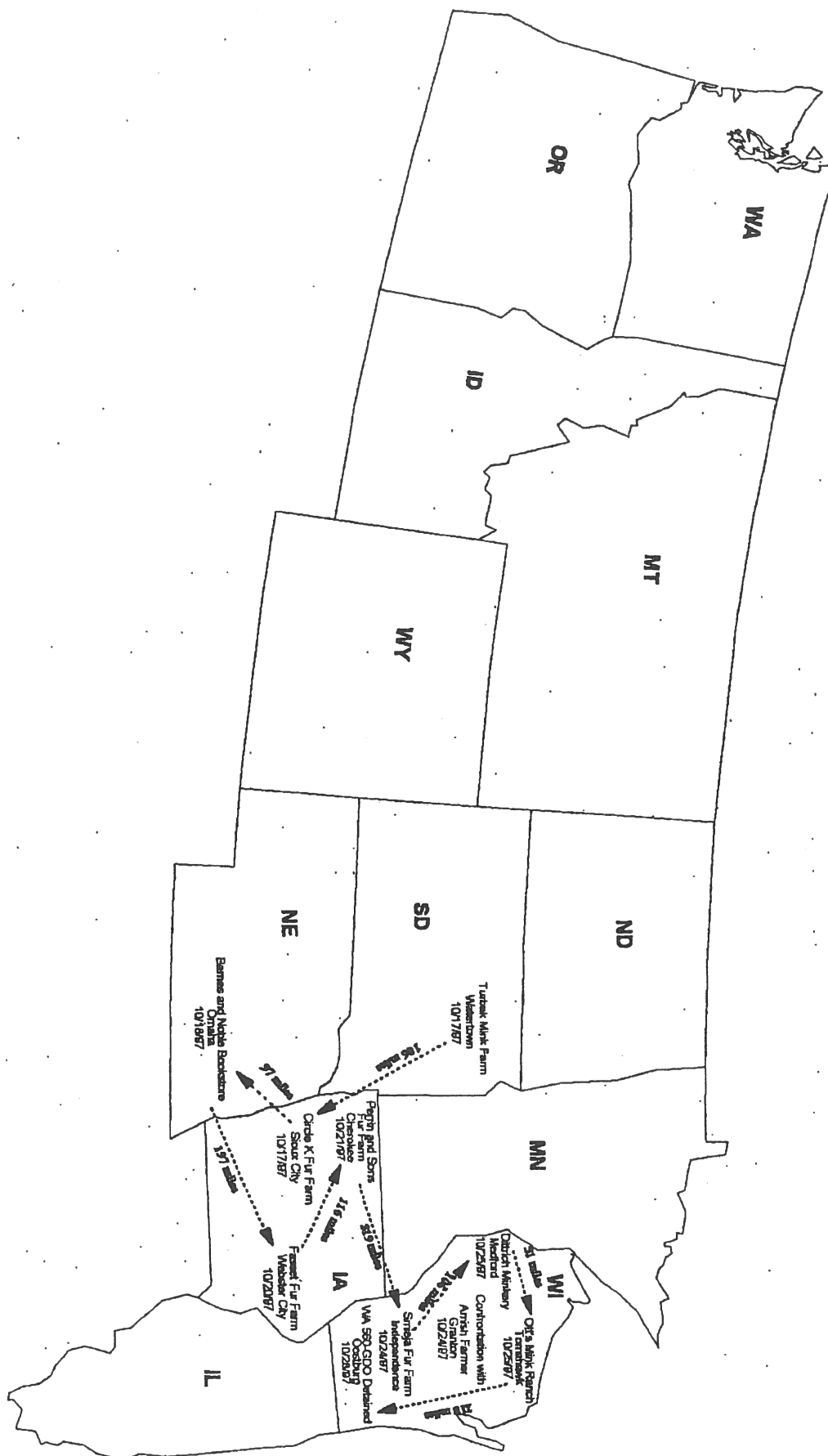
2

Attached hereto and considered part of this insert is a Department of Motor Vehicles (DMV) print-out for Wisconsin License Plate GRJ-954. This license plate expired in September of 1994, when it was at the time assigned to WILDE HONDA CARS on a 1994 Honda 4-door sedan reflecting Title Number 9330937032. Detective Albrecht advised that when he made a hand search request of DMV records in Madison, Wisconsin, that WILDE HONDA CARS is located in Waukesha, Wisconsin.

Further investigation regarding this expired plate and/or vehicle by title number will be left to the discretion of case Agent.

U.S. v. Samuel  
0127

-48-





KK

BARNES & NOBLE

STORE #2936  
7400 DODGE STREET  
SUITE #325  
OMAHA, NE 68114  
(402) 393-6223

REG#07 BOOKSELLER#328  
RECEIPT# 26623 10/18/97 7:43 PM

S 0671704982 MR SCOTTS GT THE ENTERPR  
1 @ 14.00 14.00

S 0399141987 STAR WARS DARK FORCES SO  
LIST PRICE 24.95 1 @ 22.45 22.45

S 0811801012 STAR WARS CONCEPT TO SCR  
LIST PRICE 29.95 1 @ 26.95 26.95

S 0874312108 STAR WARS IMPERIAL SOURC  
1 @ 22.00 22.00

SUBTOTAL 85.40

SALES TAX - 6.5% 5.55

TOTAL 90.95

MERCHANDISE MEMO REDEEMED 98.17

MERCHANDISE MEMO# 91627400

CHANGE 7.22

BOOKSELLERS SINCE 1873

KK  
149#3503  
S.S.D.



Justin Clayton Samuel



SIOUX CITY POLICE DEPARTMENT  
10/97 8:53:55

INCIDENT REPORT

INCIDENT # 97 049274  
PAGE 1

BURGLARY  
M 10 D 17 Y 97 T 1800 REPORTED D 10/18/97 SA DIST/GRID 051  
CURRENCE M 10 D 18 Y 97 T 0700 T 0723 LOC CODE 20  
SPEC RPT  
FENSE STATUTE A S LOC UNIT WEAPONS SUS-USE OFFENSE  
0 713.1 C 20 000 BURGLARY

CATION 3701 MEMORIAL DR

SIOUX CITY

C P 00505 JESS A NELSON

DIV ASSIGNED INVEST

LATED INCIDENTS  
97 049313

VI NO. 001

JC 481 60 9993 RAC SEX HS JV DOB AGE HGT WGT EYE HAI RES  
RAGE, STEVE E W M 032157 040 000 000 Y  
2996 FOX AVE INJ REL 000 000  
SIOUX CITY IA PRSNT CHILD  
PHONE 239 3709

BURGLARY TYPE OF STRUCTURE POINT OF ENTRY METHOD TOOLS VICTIM  
BARN NORTH F Y A

PROPERTY NO. 000 CD D DAMAGED  
DE/TYPE QTY UM SIZE COLOR MODEL BRAND STYLE  
19 7E 1.000 EA  
VAL 1.000 OAN MATL COND  
REM 000 DATE-LOC 000000 RC-VAL  
SEZ 000 OWN 000 PROP-CDE

INCIDENT NOTES

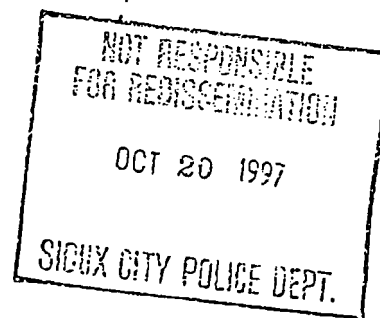
FENCES WERE CUT, ANIMALS WERE LET LOOSE.

101897

SUPPLEMENTAL REPORT INDEX

NO. OFFICER DATE TIME DOCUMENT  
01 00505 JESS A NELSON 10/18/97 1719 P050N01914

END OF REPORT NOT RESPONSIBLE FOR REDISSEMINATION CIS/G\_NITZSCHK



Sioux City Police Department

U.S. v. Samuel  
0227

## 7004 OCCASIONAL CHECK

TIME OF M 10 D 18 Y 97 T 0700  
OCCURRENCE M 11 D 18 Y 97 T 0000REPORTED D 10/18/97 SA DIST/GRID 051  
T 0900 LOC CODE 00  
SPEC RPTENSE STATUTE A S LOC UNIT WEAPONS SUS-USE OFFENSE  
7004 N/A 00 000 OCCASIONAL CHECK

LOCATION 3701 MEMORIAL DR

SIOUX CITY

OFC P 00505 JESS A NELSON

DIV ASSIGNED RECORDS

## RELATED INCIDENTS

P 97 049274

## CD VI NO. 001

SOC 481 60 9993	RAC	SEX	HS	JV	DOB	AGE	HGT	WGT	EYE	HAI	RES
KRAGE, STEVE E	W	M			032157	040	000	000			Y
32996 FOX AVE				INJ		REL 000		000			
SIOUX CITY IA				PRSNT	CHILD						
PHONE 239 3709											

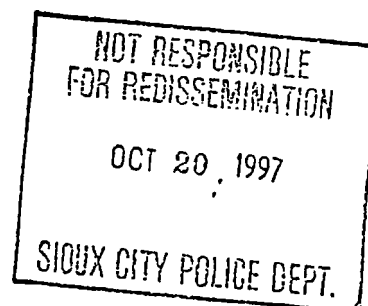
## INCIDENT NOTES

COMPLT WOULD LIKE A CHECK FOR ONE MONTH DURING THE NIGHT 101897  
HOURS DUE TO A BURGLARY AND A LARGE NUMBER OF MINKS WERE LET 101897  
OUT OF THEIR CAGES. 101897

END OF REPORT

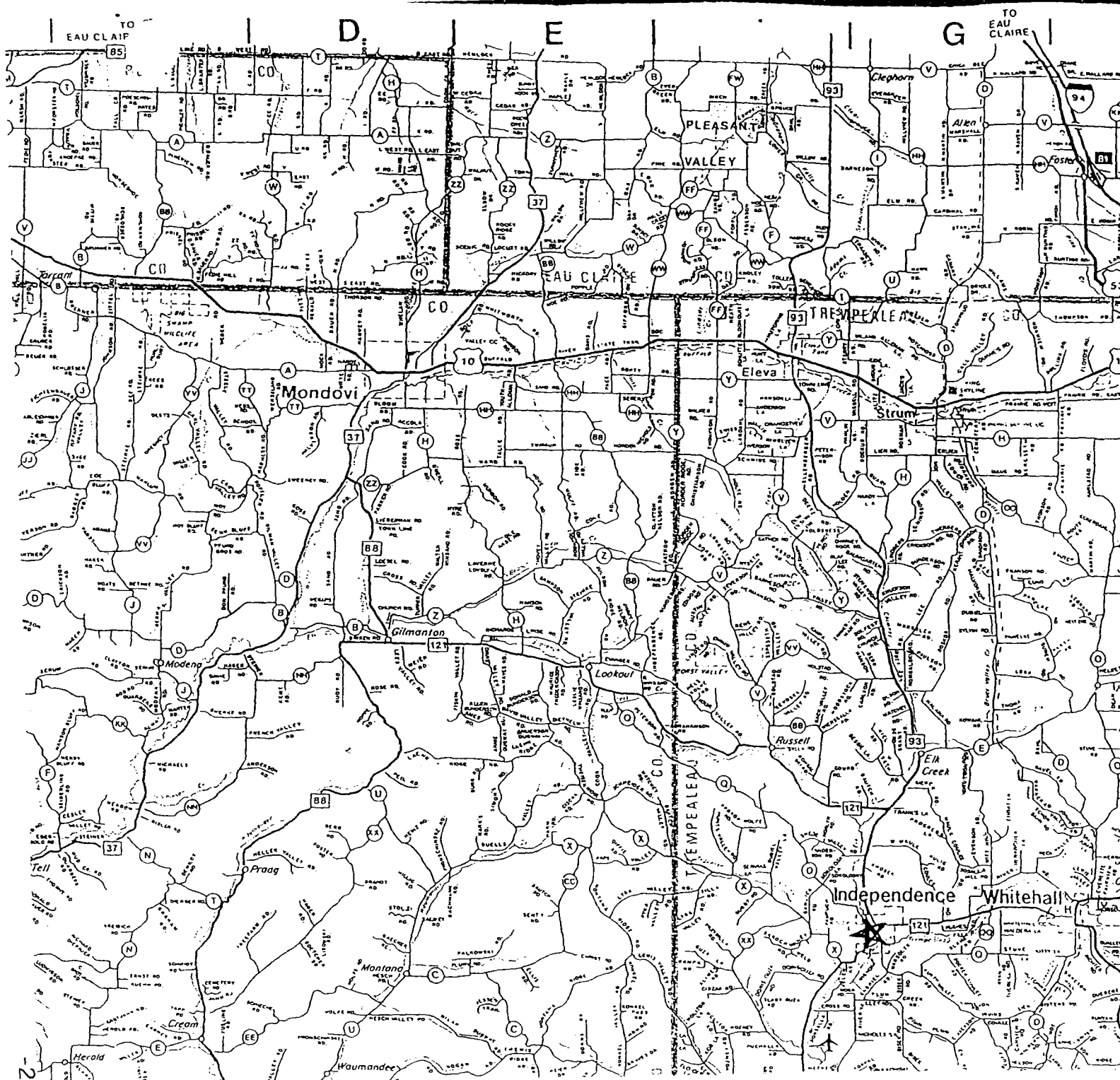
NOT RESPONSIBLE FOR REDISSEMINATION

CIS/G\_NITZSCHK

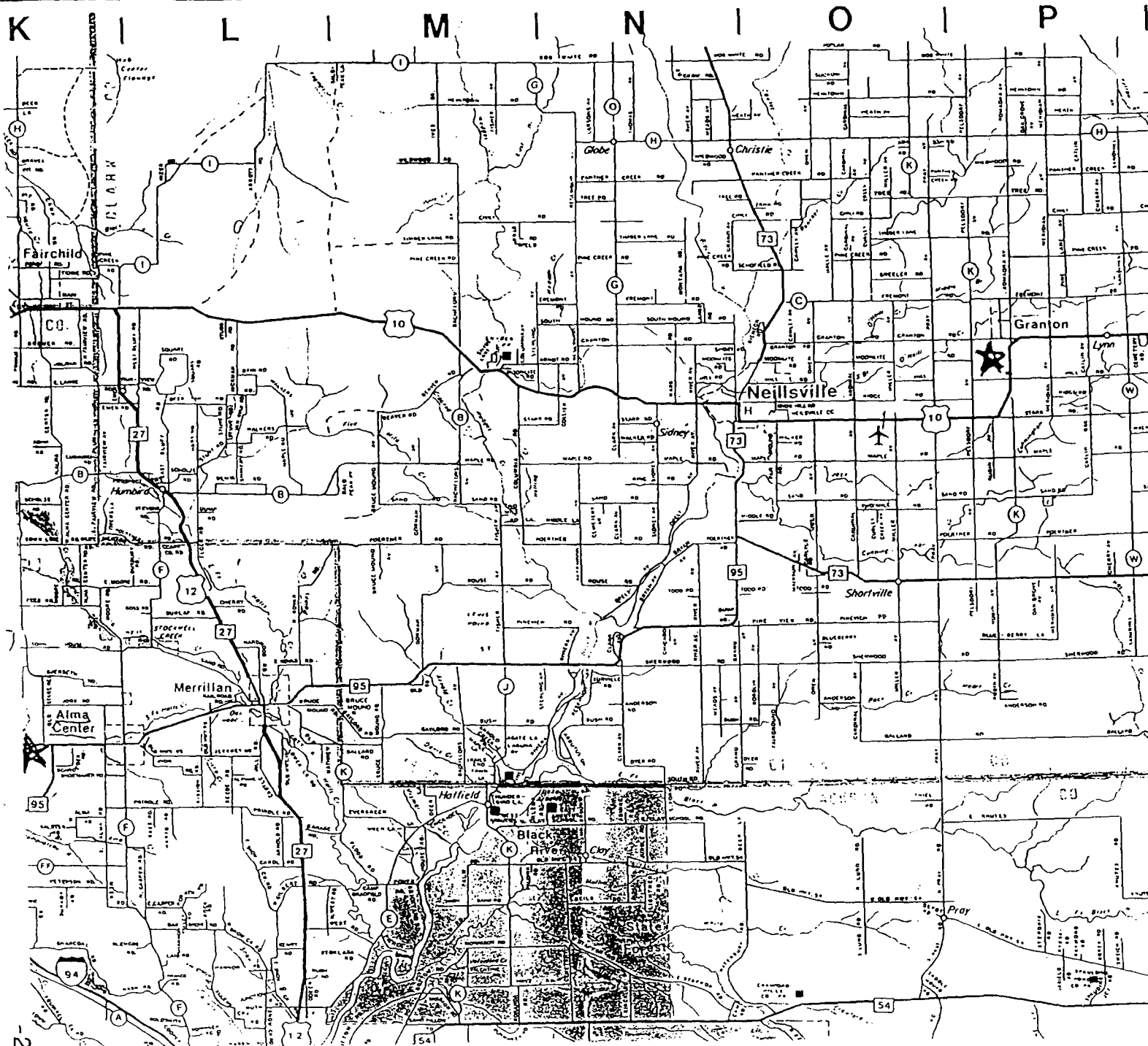


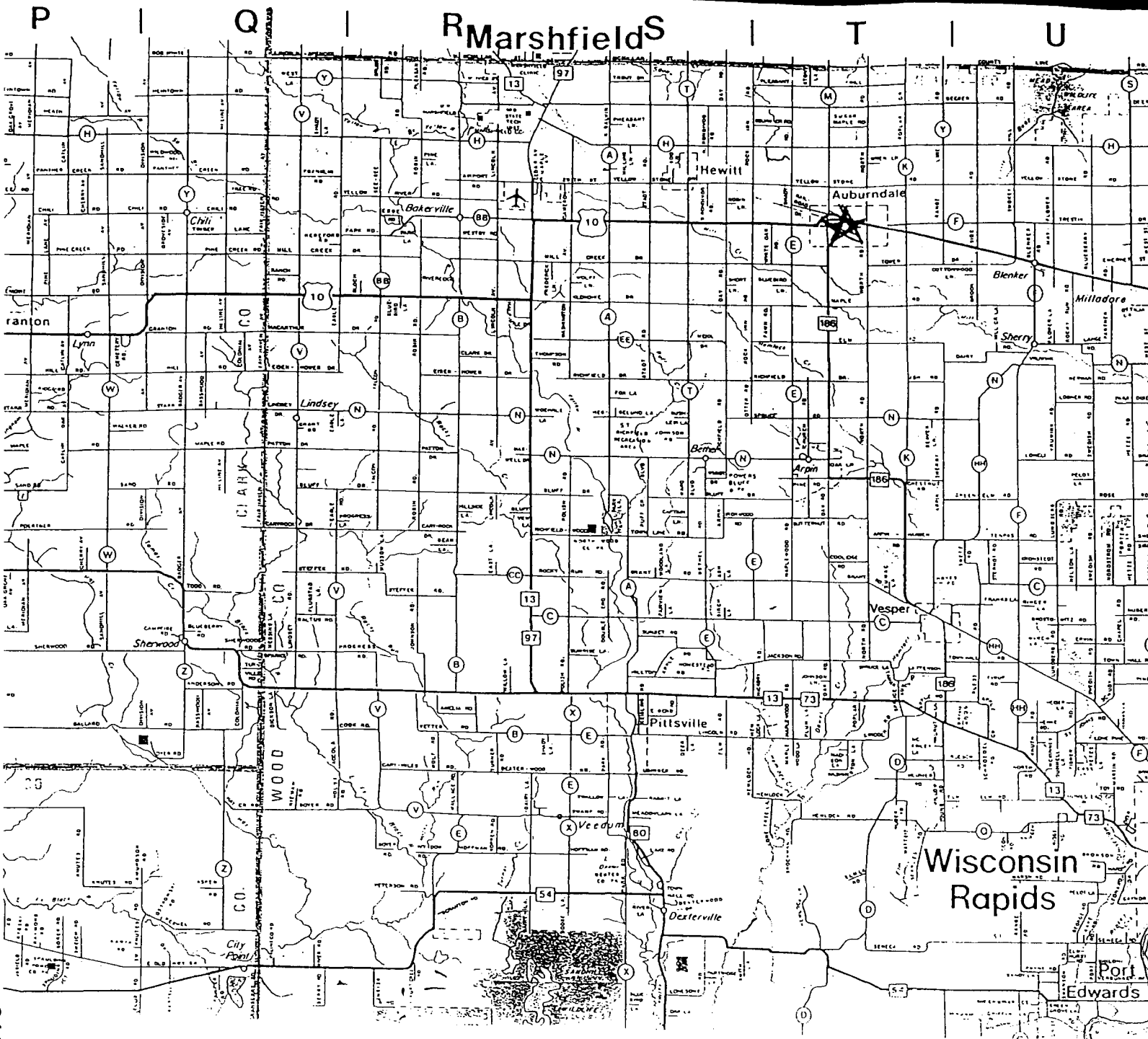
Sioux City Police Department

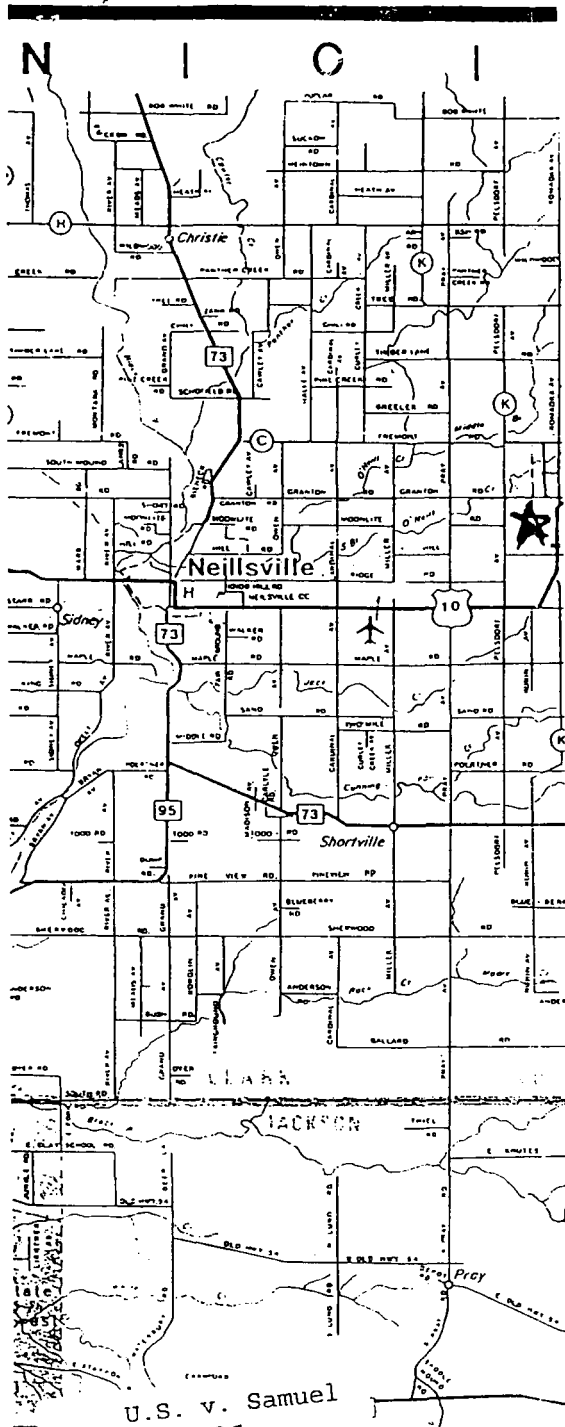
U.S. v. Samuel  
0228

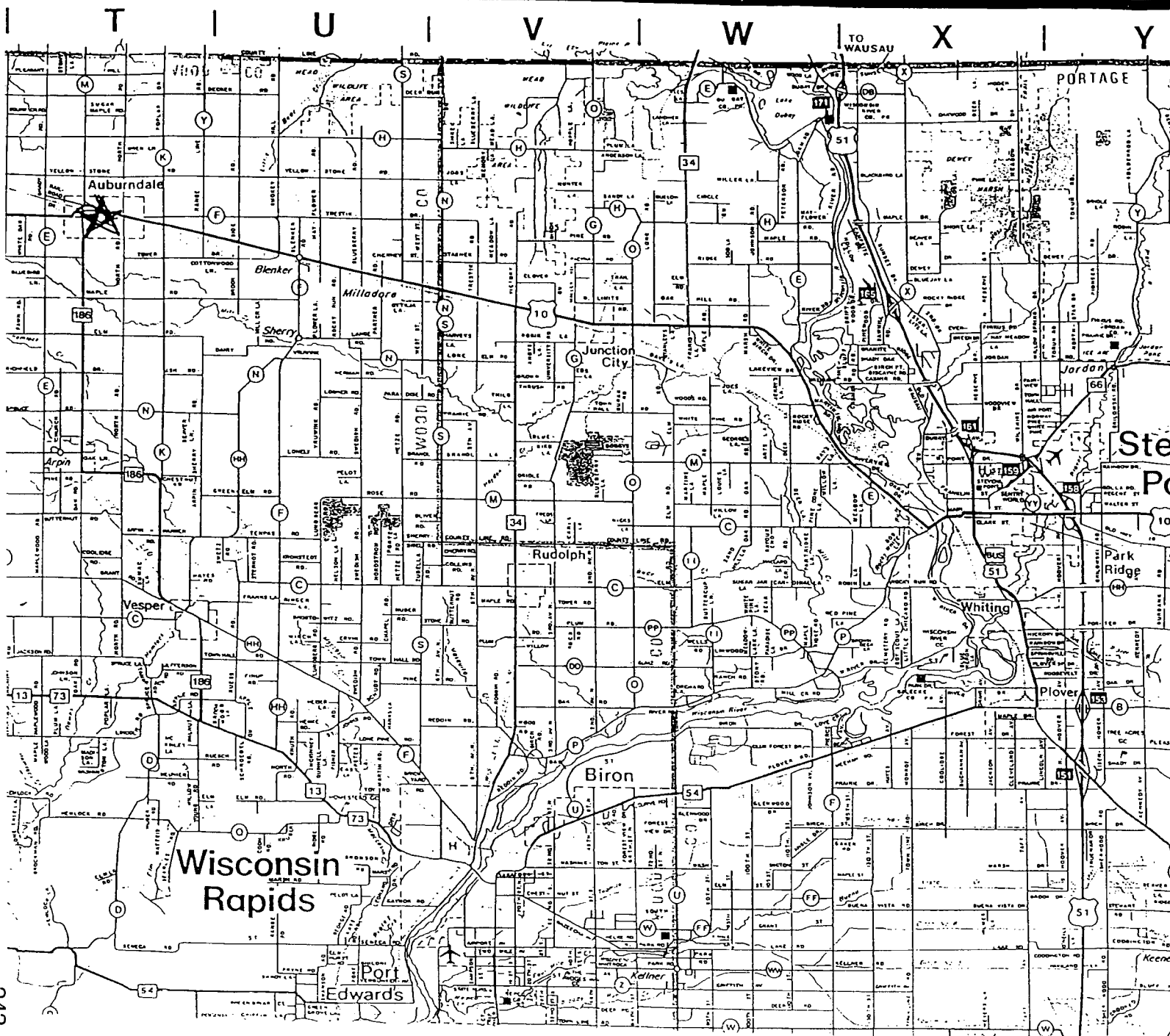












MULTI COPY

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/6/97

The following investigation was conducted Special Agent (SA) NORMAN ED BRUNER of the Wausau Resident Agency of the Federal Bureau of Investigation (FBI) on October 31, 1997:

Writer had previously spoken telephonically to Detective Konrad Kaczkowski, Sheboygan County Sheriff's Department, Sheboygan, Wisconsin, telephone number (920) 459-3111. Detective Kaczkowski provided by facsimile (fax) to writer, a photocopy of a map which appeared to have come from a telephone book in the City of Medford, Wisconsin, which had been found subsequent to the execution of a search warrant of a red Geo Metro previously stopped by the Sheboygan County Sheriff's Department.

Writer physically began examining locations for public payphones and/or telephone books were readily available in the City of Medford, Wisconsin.

After several attempts, a public payphone and telephone book were located in HARDEE's fast food restaurant located at 230 South Eighth Street (Highway 13), Medford, Wisconsin. Writer upon examining a telephone book for the City of Medford/Rib Lake, Wisconsin, reflecting the date of October, 1996, was affixed by a cable allowing it not to be removed, in a holder adjacent to the payphone bearing telephone number (715) 748-9941 was missing Page Number 10 in the initial part of the yellow-page section.

Upon initial observation, the remaining portion of the telephone book where 10 should have been reflects a portion of the page which had been torn and appears to match the map received by the Sheboygan County Sheriff's Department. The map received by fax from the Sheboygan County Sheriff's Department is attached hereto and considered part of this FD-302. It should be noted that the original map should be identified as one of the items recovered from the execution of a search warrant of the red Geo Metro.

291-MW-316001-38

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 17 1997	
FBI - MILWAUKEE	

msf

Investigation on 10/31/97 at Medford, Wisconsin

File # 291-MW-36601

Date dictated 11/4/97

by SA NORMAN E. BRUNER:CAL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to it and its contents are not to be distributed outside your agency.

U.S. v. Samuel  
0231

291-MW-36601

Continuation of FD-302 of \_\_\_\_\_, On 10/31/97, Page 2

Writer obtained this telephone book for evidentiary purposes for later comparisons to be made by the Federal Bureau of Investigation (FBI) Laboratory to confirm whether or not the item found in the red Geo Metro is identical to this telephone book as its place of origin, as well as, potential latent fingerprints in the vicinity of the telephone book where the page may have been taken by subjects.

Writer then placed a marking long distance telephone call from the same public payphone which bears telephone number (715) 748-9941. The telephone call was placed in the following fashion at approximately 2:02 p.m. on October 31, 1997. Writer placed a long distance telephone call to the Milwaukee Office of the FBI at telephone number (414) 276-4684, charging the call to the Wausau Resident Agency Credit Card Number (715) 842-2666-9964.

It is anticipated that a subpoena for toll records over the previous weekend from this payphone may reveal pertinent calls by unknown subject(s).



24 (Rev. 2-3-98)



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Date: June 8, 1998

To: SAC, Milwaukee  
Squad 7, La Crosse RA  
Attn: SA Jeffrey S. Hill

Case ID #: 291-MW-36601

Lab No. 71201013 S BE  
80219021 S BE

Reference: Milwaukee communication dated 11/24/1997  
Minneapolis communication dated 02/17/1998

Your No. 291-MW-36601

Title: PETER D. YOUNG; JUSTIN C. SAMUEL;  
SMIEJA FUR FARM  
INDEPENDENCE, WISCONSIN - VICTIM;  
DITTRICH MINKERY  
MEDFORD, WISCONSIN - VICTIM;  
OTT'S MINK RANCH  
TOMAHAWK, WISCONSIN - VICTIM  
ANIMAL ENTERPRISE PROTECTION;  
DOMESTIC TERRORISM

Specimens received: 12/01/97 and 2/19/98

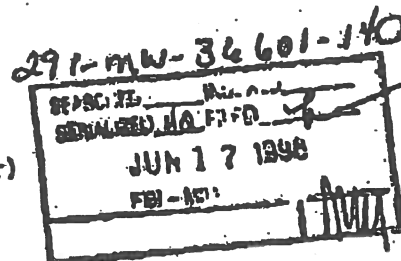
Specimens received from SAC, Milwaukee on December 1, 1997 under  
cover of communication dated November 24, 1997 (71201013 S BE):

Q1 Section of wire  
Q2-Q5 Four sections of wire  
Q6-Q8 Three sections of wire  
Q9-Q16 Eight sections of wire  
K1-K2 Two bolt-cutters  
K3 Multi-gadget tool in fabric pouch

1 - SAC, Minneapolis (291-MP-48582)  
(attn: SA Michael Graham)

Page 1

(Over)



115 *omb*  
This Report Is Furnished For Official Use Only

Specimens received from SAC, Minneapolis on February 19, 1998  
under cover of communication dated February 17, 1998 (80219021 S  
BE):

Q363 Section of chicken wire

The results of the Toolmarks examinations are included  
in this report. The submitted specimens are being retained in  
the Laboratory until all comparisons with cases from other field  
offices are completed.

Page 2  
71201013 S BE  
80219021 S BE



**FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535**

**Report of Examination**

Examiner Name: **Steve M. Casper**  
Unit: **Firearms-Toolmarks**  
Case ID #: **291-MW-36601**

Date: **June 8, 1998**  
Phone No.: **202-324-4375**  
Lab No.: **71201013 S BE  
80219021 S BE**

**Results of Examinations:**

The Q1, Q6, Q10, Q13, Q15 and Q363 sections of wire were identified as having been cut by the K2 bolt cutters.

The Q7 section of wire was identified as having been cut by the K1 bolt cutters.

Toolmark examination of the Q4, Q8, Q9, Q11, Q12, Q14 and Q16 sections of wire determined that they were cut by a tool(s) employing a pinching/shearing type action, such as the K1 and K2 bolt cutters and the cutting edge of the K3 multi-purposes tool. However, due to a lack of sufficient corresponding individual microscopic of value, no further associations could be made.

The Q2, Q3 and Q5 sections of wire bear no marks of value for comparison purposes.

FTU - Page 1 of 1

**This Report Is Furnished For Official Use Only**

Incident No	Date & Time Reported	Offense: 943.75(2)
97-007570-I	10/25/1997 06:39	UNAUTHORIZED RELEASE OF ANIMALS

TAKEN FROM WORDPERFECT DOCUMENT 97007570.001

R  
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ON SATURDAY OCTOBER 25, 1997 AT APPROX. 0640 HRS. OUR DEPT. RECEIVED AN UNAUTHORIZED RELEASE OF ANIMALS COMPLAINT FROM INDEPENDENCE (SMIEJA) FUR FARM. THE NATURE OF THE COMPLAINT WAS IN REFERENCE TO A RAID THAT OCCURRED ON THEIR MINK BARN. THIS OFFICER ARRIVED AT APPROX. 0745 HRS AND SPOKE TO THE MANAGER, BRONEY G MATCHEY. BRONEY ADVISED THIS OFFICER THAT THE BARN THAT WAS ATTACKED IS OWNED BY RAY, JIM, AND ED SMIEJA OF INDEPENDENCE. BRONEY ADVISED THIS OFFICER THAT SOMETIME LAST EVENING BETWEEN 1630 HRS. ON FRIDAY OCT. 24, 1997 AND 0600 HRS. ON SATURDAY OCT. 25, 1997 SOMEONE HAD CUT THE FENCE ALONG THE WEST SIDE OF THE MINK BARN, LAID APPROX. 50 FEET OF THE WIRE NET FENCE DOWN, AND ENTERED THE MINK RANCH. THE INTRUDERS WENT INSIDE OF THE BARN AND KNOCKED ON TO THE GROUND APPROX. 352 SHELTERED BOXES THAT THE MINK LIVE IN, RELEASING THE MINK. BRONEY ADVISED THAT THERE WERE 352 FEMALES AND 352 MALES SHELTERED INSIDE OF THIS BARN THAT HAD BEEN RELEASED, ALL BEING BLUE IRSE MINK.

ALSO JUST TO THE SOUTH OF THIS BARN WAS ANOTHER ROW OF MINK THAT WERE PENNED UP. BRONEY ADVISED THAT THESE MINK WERE THERE MAIN BREEDING STOCK, AND APPROX. 30 MALES HAD BEEN RELEASED. BRONEY ADVISED THIS OFFICER THAT THEIR WERE SEVERAL PEOPLE AT THE SCENE ASSISTING THEM IN RECAPTURING THE MINK. BRONEY ADVISED THAT HE DOES NOT KNOW FOR SURE WHAT THE MARKET WILL BRING ON THE MINK THIS YEAR, HOWEVER LAST YEAR THEY AVERAGED \$58.00 PER MINK. BRONEY ADVISED HE WOULD CONTACT ME LATER ON THE TOTAL AMOUNT LOST. I WAS ALSO ADVISED THAT THE MINK HAD JUST BEEN PREVIOUSLY GRADED INDIVIDUALLY, FOR FUTURE BREEDING PURPOSES, AND CONSIDER THAT A LOSS, DUE TO THE MINK BEING RELEASED. THIS OFFICER THEN WENT AND LOOKED AT THE SCENE. DUE TO SEVERAL VOLUNTEER HELP WALKING ALL OVER THE AREA, IT WAS IMPOSSIBLE TO DISTINGUISH ANY SHOE PRINTS OF THE PERPETRATORS. I DID TAKE SOME PHOTO'S OF THE SCENE, AND SEIZED A PIECE OF WIRE THAT HAD BEEN CUT THAT HAD HELD THE WIRE NET FENCE TO THE POST. THIS OFFICER ALSO SPOKE TO ONE OF THE OWNERS, JIM SMIEJA. HE ADVISED THIS OFFICER THAT AROUND 0300HRS. HE HAD GOTTEN UP, TURNED ON THE LIGHT IN HIS HOUSE, AND FEELS THAT THE PERPETRATORS MAY HAVE GOTTEN SPOOKED BY THIS, AND LEFT.

THIS OFFICER RECEIVED INFORMATION ABOUT THE (ALF) ANIMAL LIBERATION FRONT, A MILITANT UNDERGROUND ANIMAL RIGHTS GROUP, CLASSIFIED BY THE (FBI), AS A DOMESTIC TERRORIST ORGANIZATION. INFORMATION I RECEIVED IS THAT THE ALF HAS RAIDED SEVERAL DESIGNATED AREAS, INCLUDING THE STATES OF SOUTH DAKOTA, AND IOWA. INFORMATION IS AVAILABLE ON THE INTERNET, AND WAS ADVISED THAT THEY WERE NOTIFIED BY THE FUR COMMISSION USA, THAT SMIEJA'S FUR FARM WAS A DESIGNATED TARGETED FARM BY THE ALF.

AT APPROX. 1000HRS. FBI AGENT JEFF HILL OUT OF LACROSSE, WI. PHONE NUMBER 608-782-6030 CONTACTED THIS OFFICER IN REFERENCE TO THE CASE, AS IT IS A FEDERAL VIOLATION. AGENT HILL ADVISED THAT HE WOULD GET MORE INFORMATION ON THIS TYPE OF CASE, AND WOULD GET BACK TO ME ON MONDAY OCT. 27, 1997.

THIS OFFICER CALLED THE FUR COMMISSION USA OUT OF ST. PAUL, MN.

\_revt.c 1.38

Date Printed: 10/26/1997

Page 3

Incident No	Date & Time Reported	Offense: 943.75(2)
97-007570-I	10/25/1997 06:39	UNAUTHORIZED RELEASE OF ANIMALS

R THIS OFFICER SPOKE TO A BOB BUCKLER, OF WHOM IS A LOBBYIST FOR THE  
R FUR COMMISSION. HE BRIEFLY ADVISED ME ABOUT THE RAIDS IN THE  
A SURROUNDING STATES, AND FEELS STRONGLY THAT THIS WAS CONDUCTED BY  
T THE ALF. HE ADVISED THIS OFFICER THAT HE HAD A LOT OF INFORMATION  
I IN REFERENCE TO THIS TYPE OF ACTIVITY, AND CASES, AND WILL SENT ME  
V A COPY OF EVERYTHING HE HAS, AND WILL FAX OUT COPIES OF THIS  
E INCIDENT TO THE FUR FARMERS. BUCKLER ADVISED ME THAT FBI AGENT DEETZ  
OUT OF THE MILWAUKEE OFFICE, AND PHIL BROOKMAN OUT OF THE MPLS.  
OFFICE, (PHONE NUMBER 612-376-3372) HAS WORKED THESE CASES AND HAS  
A LOT OF INFORMATION, (INTELLIGENCE) ON THE ALF.

THIS CRIME I HAVE LEARNED IS PUNISHABLE BY STATE STATUE, WSA  
895.57, AND WSA 943.75., AND OR PUNISHABLE FEDERALLY, PUBLIC LAW=  
102.346; STATUE 106.929 AND 106 STAT. 928 AND 929.

FEDERALLY THIS TYPE OF CRIME IS COVERED UNDER THE ANIMAL  
ENTERPRIZE PROTECTION ACT, AND THE HOBBS ACT, (INTERFERENCE WITH  
BUSINESS, INTERSTATE).

ON SUNDAY OCTOBER 26, 1997 THIS OFFICER WAS ADVISED BY BOB BUCKLER  
OF THE FUR COMMISSION OFFICE THAT DETRICK'S FUR FARM IN MEDFORD WI.  
WAS RAIDED LAST NIGHT, ALONG WITH ALEX OTT FUR FARM IN TOMAHAWK WI.  
AND THAT MIKE PATRICK'S FUR FARM IN WEST BURROW, WI HAD BEEN  
RAIDED, HOWEVER WERE SURPRISED BY A NIGHT WATCHMAN, AND LEFT THE  
SCENE. BUCKLER ADVISED HE WOULD FORWARD MORE INFORMATION ON THEM  
RAIDS TO ME UPON COMPLETION OF HIS REPORT.

////END OF REPORT////

DEPUTY RICHARD ANDERSON

TREMPEALEAU CO SHERIFF'S DEPT

Copy

STATEMENT

CASE NO. 97007570

SMIEJA FUR FARM

10/29/97

On 10/29/97, at 2 p.m. Detective Corcoran did recover 3 pieces of wire from the Smieja Fur Farm located at W22875 State Rd. Highway 121, Independence, WI. The location of the recovery of the wire was the area described by employee, Tom Olson, as the area where the suspect or suspect(s) cut the wire that was attached to the steel fence post and chicken wire allowing the fence to be pushed or fall to the ground. Two pieces of wire were found on the ground near the fence post and one piece of wire was found still attached to the steel fence post. The approximate lengths of the 3 pieces of wire are 8 inches, 7 inches, 16 inches. The approximate 16 inch piece of wire is the wire that was still attached to a fence post. This piece of wire is two pieces of wire woven together. Corcoran did not have to cut the wire to retrieve it. Tom Olson, employee of Smieja Fur Farm was present when the wire was recovered. The recovered wire is being kept in Detective Corcoran's office in a sealed evidence bag until being turned over to FBI Agent, Jeff Hill.

*Ronald J. Corcoran*  
10-29-97  
Trempealeau Co. S.O.

U.S. v. Samuel  
0012



J.DWatertown 46285 US Hwy 212NECOLON 322 N 3rd Not FoundI AStor City~~3701 Memorial / 32546 Fox Ave~~Webster City~~439 N White Fox Rd. (?)~~~~136 Parkview Dr. Residence~~~~1345 240 St. Difficult~~Cherokee~~1637 600 St. Fell in a ditch~~Washington~~2583 Sackum Ridge Rd~~Jewel~~3221 Queens Ave Not Found~~West Point~~2240 St. Paul Rd (Farm?)~~West Burlington~~212 Broadway St~~Oprian~~100 S West Oprian~~Carroll~~227 S Hwy 71 Not Found~~Remsen~~22487 Tamarack Ave Difficult~~Toddville~~3794 Toddville Rd.~~

Swisher 1297 Marak Rd NW

Ammon 501 E Bridge St. Nothing

Sturgis 3285 370<sup>th</sup> St closed

MO

California 35262 Woods Crossing Rd

IL

Lake Villa 38614 N Fairfield Rd

Morengo 23207 ~~Morengo~~ Grange Rd

Union 19614 Kishwaukee Valley Rd

Franklinville Rd. (Retail?)

Elgin 43 W 891 Plato Rd.

IN

North Manchester County Rd 1100 N.

Roanoke 5412 E 900 N

OH

Medina 2047 Granger Rd.

7035 Chatham Rd.

all

ccccc o sssss o rrrrr o

MNMora

2331 160 Ave

Cannon Falls

7999 County 17 Blvd.

Whalan

828 Oak

Atwater

7990 195 St. NE

Gaylord

750 Lakeside Dr

Braunton

10587 Tages Ave

Morris

330 Elanor

Rochester

4625 West River Rd NW



Sum: 3.90 floats: 2.67 1:23

WINew Holstein

W 846 Fur Farm Rd.

W 703 Fur Farm Rd.

W 1314 Foundry Rd.

Tomahawk

E 9879 Siemering Rd.

2151 Krystal Cove Rd. N. Found

N 10685 Red Pine Rd.

Medford

W 7843 Center Ave.

W 5339 Whittlesey Ave. N. Found

N 3647 County Rd E Dark

W 5226 Perkins Ave.

879 E Perkins Ave.

3472 Grahl

3641 County Rd. E Nothing

N 2375 Hemlock Dr. N. Found

Independence

Hwy 121 x 3

Granton

W 3531 US Hwy 10 Amish Concentration

Monticello

720 E Coates Ave.

N 4392 Weeks Rd. Nothing

~~Robbinton~~ N

W 7015 Manitowish Rd.

Menasha

3150 Highway Rd.

West Bend

W 4772 Lime Rd.

EdenDeerbrook

N 5209 Rosedale Rd.

Mishicot

2228 Charney Rd. Massive

Onalaska

436 S. Court Residence

Newaunee

IN 121 NO FLAVY

WALMART

121 West Main - Residence

Kenosha 8901 Cooper Rd.Union Grove 21021 Durand Ave.Bristol 17120 93rd St.Kewaunee

E 3285 Fur Ln.

Kiel

615 Broadway St.

Mosinee

1000 Gardner Park Rd.

Fond du Lac

W 3695 Johnsburg Rd.

Auburndale

10886 North Shady Rd.

Beloit

3457 Riverside Dr.

Pulaski

5479 Hawthorne

Sheboygan

W 1090 Ganton Rd.

Plymouth

W 3397 Hwy 28

W 6343 St. Rd. 67 - or - 114 E Mill

875 South St.

1014 Short Cut Rd.

Oostburg

North 2141 Hwy 32

W 1618 Jones Rd.

6020 Wilson Lima Rd.

Wisconsin Rapids

4051 Hwy 1350

Spring Green

512180 Neuhersel Rd.

Same  
Followed

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/30/97

On October 25, 1997, THOMAS H. OLSON, Employee, SMIEJA FUR FARM (SFF), W22875 State Road 121, Independence, Wisconsin, reported that during the evening/early morning of October 24, 1997 - October 25, 1997, approximately 800 Blue Iris breeding stock mink valued at approximately \$200,000.00 were deliberately released from 380 cages at SFF. The coops in which the mink sleep, two to a coop, were removed from their cages and placed on the ground, allowing the mink to escape their quarters. Further, a 50 foot section of perimeter fence next to the shed housing the cages was cut and laid on the ground, allowing the minks to escape SFF property. OLSON estimated that the minks were released between 1:00 a.m. and 3:00 a.m. on October 25, 1997. OLSON advised that SFF had been previously warned by the FUR COMMISSION, USA, that animal rights activists were known to be conducting raids to release animals on fur farms in the Midwest at present because it is pelting season. OLSON attributed the release at SFF to those activists.

Investigation on 10/25/97 at La Crosse, Wisconsin

File # 291-MW-36601

Date dictated 10/30/97

by SA JEFFREY S. HILL:CAL

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U.S. v. Samuel  
0015



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/28/97

BRONEY MATCHEY, Manager, SMIEJA FUR FARM (SFF), W22875 State Road 121, Independence, Wisconsin, telephone number (715) 985-3020, was interviewed regarding the release of mink from their cages at SFF between 7:00 p.m. October 24, 1997, and 6:15 a.m. October 25, 1997. MATCHEY advised as follows:

MATCHEY came to work on Saturday, October 25, 1997, at 6:15 a.m. On approaching SFF he initially noted several mink were loose on the property. He then saw quite a few were loose and knew something was seriously wrong. MATCHEY investigated, and determined that all of the mink in one of the sheds had been deliberately released, as had the mink in half of a row of cages next to the shed.

MATCHEY explained how he knew that the mink had been deliberately released. Mink are not kept in large quantity, unsegregated, in large structures, where they could escape enmasse if a door were accidentally left open. Mink are kept in cages, two to a cage, usually brother and sister to minimize fighting. Attached to each cage is a wooden coop where the mink sleep and take shelter. The coop has a hole in it which fits over a hole in the cage and allows the mink to go from the coop to the cage and back. The coops are removable. The cages are placed on wire stands, in rows, under a shed. The stands are approximately three feet off the ground, which facilitates feeding and handling the mink, and which allows mink droppings to fall free of the cage. In the shed where the mink were released there were four rows of cages. The shed contained 352 cages, each cage having a male and a female Blue Iris mink. When MATCHEY investigated the reason for the loose mink, he noted that the coops on all of the cages had been removed. In one row, the coops had been placed on top of the cages for approximately one half of the row. Thereafter, and in the other three rows, the coops were placed on the ground in front of the cages. MATCHEY noted a similar occurrence in a row of cages adjacent to the shed, where 30 coops, each containing a male and female Blue Iris mink, had been removed from their cages and placed on the ground. MATCHEY noted that the placement of the coops was obviously not

Investigation on 10/27/97 at Independence, Wisconsin

File # 291-MW-NEW

Date dictated 10/28/97

by SA JEFFREY S. HILL:CAL

291-MW-NEW

Continuation of FD-302 of BRONEY MATCHEY, On 10/27/97, Page 2

something that the minks could have accomplished, and had to have been done by humans. No SFF employee would have placed the coops as they were found; the mink would escape through the cage pass-through hole in the coop.

MATCHEY also advised that approximately 30 feet of perimeter fence adjacent to the shed where the mink were released was cut and laid on the ground. This allowed the mink to escape from SFF premises. The fence is four feet high and constructed of a medium gauge wire. The only part of the fence that was breeched was that 30-foot section adjacent to the shed where the mink were released.

MATCHEY advised that all of the mink released were breeding stock. The lineage/breeding records for each mink was kept on the coop. As of 2:00 p.m. on October 27, 1997, all but 104 of the released mink had been recovered. Their value as breeders was now nil however, inasmuch as there is no way to know which mink lived in which cage/coop. Lineage and breeding cannot be accounted for. Some males may be retained for breeding, regardless, but the rest will be used for pelts.

MATCHEY advised that pelts sell for \$50.00 - \$60.00 each. Value as breeding stock is higher. Males are worth approximately \$300.00 each; females \$150.00 each. MATCHEY figured that he lost approximately 764 breeder stock mink, half of which were male, half female. Given the above values, the loss to SFF is approximately \$171,900.00. If all the mink are recovered and the pelts sold at \$60.00 each, the loss would be off-set by \$45,840.00, and would be \$126,060.00.

MATCHEY advised that he estimated the time of the release of the mink to be between 1:00 a.m. and 3:00 a.m. on the morning of October 25, 1997. MATCHEY based his estimate on the amount of food remaining in the empty cages. The mink are fed daily, and by 6:00 a.m. the feed is usually gone. The empty cages had approximately 1/4 of the feed left, indicating to MATCHEY that the mink were released prior to 3:00 a.m. but probably not before 1:00 a.m.

291-MW-NEW

Continuation of FD-302 of BRONEY MATCHEY, On 10/27/97, Page 3

MATCHEY advised that there has only been one suspicious activity that he knew of that might be connected to the release of the mink. On Saturday, October 25, 1997, and on October 27, 1997, a blue and white single engine Cessna was seen circling the farm. No tail number was noted. On October 27, 1997, the plane was observed at approximately 10:30 a.m., at approximately 500 feet. The plane departed the area in a westerly direction.

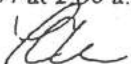
U.S. v. Samuel  
0018



**INCIDENT:** Traffic stop of possible suspects in mink release

**SUSPECT:** Peter Daniel Young

**DATE AND TIME:** 10-25-97 at 2:00 a.m.

**TROOPER:** T. C. Walters 

#### **INITIAL OBSERVATION**

On Saturday, October 25, 1997 at 2:00 a.m. while on patrol going west on Clairemont Ave, I observed a vehicle make an illegal U-turn at the intersection of HWY 37 and Clairemont Ave. After making the U-turn the vehicle headed south on HWY 37 from Clairemont. After catching up to the vehicle I activated my emergency lights and the vehicle pulled to the right shoulder and stopped. The vehicle was occupied by two males.

#### **CONTACT WITH DRIVER**

I approached the vehicle on the driver's side and made contact with the driver. I identified myself and informed the driver why I had stopped him and asked for his driver's license. He produced a Washington Photo DL identifying himself as Peter Daniel Young, he was a male white with a DOB of 06-26-77. The address listed on the DL was 2760 76th Ave SE in Mercer Island WA. 98040. I asked the Young why he had made the U-turn and he stated that he was looking for a place to park so the two of them could take a nap. I told him that he had passed a couple motels and Young then asked where the next rest area was. I told him that there was a rest area around mile post 41 if they were going to be going west on the interstate. I then advised Young that I would be issuing a written warning for the violation. I returned to my cruiser and ran the Young's DL and the plate number through DOT. The registration check showed that the plate listed to another vehicle. At that time I went back up to the vehicle and asked the occupants why the plates listed to a different car. I was told that the car had just been purchased and the passenger produced paperwork to that effect. I verified the VIN from the paperwork against the cars VIN and returned to my cruiser to complete the warning. After doing so I went back up to the car and explained the warning to the Young and had him sign it in the appropriate spot. After he had signed it I gave him his copy and asked if there were any questions and being none I released the vehicle and occupants.

#### **ADDENDUM**

On November 4, 1997 I was contacted by Agent Jeff Hill of the FBI and informed that the two individuals in the vehicle had possibly been involved in the release of mink from a mink farm in Independence, WI.

## OFFENSE/INCIDENT REPORT

0 96

Wisconsin Department of Transportation

Offense/Incident #1		Type	Section Number	Date	Time
TRAFFIC STOP OF MINIK RELEASE SUB.		A01		10-25-97	2:00 A.M.
Offense #2		Type	Section Number	Date	Time
Offense #3		Type	Section Number	Date	Time
Offender/Suspect (Last, First, MI)		Location			
YOUNG PETER DANIEL		HWY 37 @ CLAIEMONT AVE			
Alias		Location (Continued)	Location Description	Offense 1	Offense 2
				13	
Address		City/Town/Village		County	
2760 76TH AVE SE		Eau Claire		Eau Claire	
City	State	Zip Code	Custody	Custody Location	
MURCEIS ISLAND	WA	98040	Y1(N)		
Driver License Number		State	Expires	Referred to	
YOUNG PD239LL6		WA	98	FBI - AGENT JEFF HILL	
Sex	Race	Height	Weight	Hair	Eyes
M	W	600	150		BRO
Date of Birth		Veh Year	Make	Type	Body Style
06-26-77		1991	CHEV	Geo	2DR
Color		VIN		Plate Number	Type
RED				560-600	Aut
State		Vehicle Location			
WA					
FBI Number		CIB Number		Social Security Number	
Telephone Number					

SEE ATTACHED

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0020

Report Supplement	Cont. Subst. Asset Forfeited	Witness/Victim	Use of Force	Juvenile	Domestic Violence	Evidence Control Number
Y1(N)	Y1(N)	Y1(N)	Y1(N)	Y1(N)	Y1(N)	
Reporting Officer Name (Last, First, MI)		WSP#	Report Date	On Duty	Reviewed by	Review Date
WALTERS TOM C		2211	11-13-97	Y1(N)		



4072 888

# TRAFFIC WARNING / EQUIPMENT VIOLATION NOTICE WISCONSIN STATE PATROL

Date 10-25-97	Time 200 P.M.	Plate WA 98	Driver PETER DANIEL
Street Address 2760 76TH AVE SE MERCER ISLAND WA 98090			
County YOUNG	State WA	Exp. M. 98	Type D
Vehicle Number 560-600	Plate Type AUT	State WA	Exp. M. 98
Owner Name GEO	Plate Type AUT	State WA	Exp. M. 98
City/Village/Town EAU CLAIRE	State WI	Exp. M. 98	Type D
Driver (Sign Here) X			

(See reverse side for additional instructions)

## EQUIPMENT, REG. or MISC. VIOLATIONS

☐ The violations indicated must be corrected at once. All future operation without correction is illegal.

## REPORT IN PERSON

☐ Bring proof of compliance with law for violations listed to any law enforcement officer for certification by:

YOU HAVE VIOLATED WISCONSIN TRAFFIC REGULATIONS AS INDICATED BELOW:  
 VIOLATION(S) SECTION No.(s)

UNLAWFUL U. TURN

☐ Seat Belt ☐ Mirrors ☐ Tail Lamps ☐ Stop Lamps ☐ Overhead Signs ☐ License Plate ☐ Improper Colored Lamps ☐ Front Lamps ☐ Exhaust System

This warning was issued to you to call your attention to a violation of a Wisconsin Traffic Regulation. We hope that it will serve to enlist your voluntary compliance with all traffic regulations in the future. It is only with your cooperation and the cooperation of all motorists that we can hope to reduce the loss of life, injury and property damage caused by traffic crashes.

## OWNER or DRIVER INSTRUCTIONS

EQUIPMENT, REG. or MISC. VIOLATIONS has been marked, check the appropriate box to the right and personally certify that the violations described on the face of this notice have been corrected.

THEN DETACH STUB AND MAIL CERTIFICATION WITHIN 7 DAYS OF VIOLATION DATE

IF REPORT IN PERSON has been marked, you must bring this entire notice together with proof of compliance with the law for the violations indicated to any law enforcement officer for certification. Then detach stub and mail certification.

If neither box is marked, DO NOT return this card.

## OWNER or DRIVER Indicate corrective action taken and SIGN certification

☐ Equipment defects or misc. violations have been corrected.  
☐ Current registration has been applied for:

\$

I certify to the correction of the violations described on the face of this notice.

X

## OFFICER CERTIFICATION

For use when Driver or Owner has been directed to REPORT IN PERSON

The owner or driver has complied as directed and the violations have been corrected.

X

(Officer Signature)

(Officer No.)

(Employing Agency)

(Date)

Post Office  
will not deliver  
without  
proper  
postage

DISTRICT 6  
 WISCONSIN STATE PATROL  
 5005 US HIGHWAY 53  
 EAU CLAIRE WI 54701-8846

U.S. v. Samuel  
 0021

TOTAL P.06



## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/6/97

JACK L. DITTRICH, W5226 Perkins Street, Medford, Wisconsin 54451, telephone number (715) 748-5183, after being advised of the identity of the interviewing Agent and nature of interview furnished the following information:

DITTRICH advised that he is the owner of a mink fur farm consisting of approximately 10,000 mink. DITTRICH advised that approximately 2,500 mink were let out of their cages sometime during the late night/early morning hours on Sunday, October 26, 1997.

DITTRICH advised that an individual whom he could not recall the name of but believed lived or worked on a farm east of his residence a short distance, awakened him at approximately 1:30 a.m. and advised that there were mink all over the road. DITTRICH advised that he contacted the Taylor County Sheriff's Department by dialing 911 and immediately began rounding up loose mink.

DITTRICH advised that it appeared unknown individuals had entered his fur farm from possibly a tree line on the west boundary and thereupon cut an outer perimeter guard fence which surrounds the mink farm. He advised that the section of fence cut was approximately 400 feet in length consisting of a heavy-gauge type chicken wire and approximately four feet high. He advised this fence ran north to south on the western boundary and that the individual or individuals after cutting this fence laid the 400 feet approximately down on the ground allowing an egress for the released mink from their individual cages.

DITTRICH advised that the mink sheds are arranged in a north to south direction and that he has approximately 15 sheds in total. He advised the initial sheds that had mink released were the western-most sheds which also is the greatest distance from his residence. He advised that approximately 900 mink were released in the first shed and 800 released in each of the second and third sheds.

Investigation on 10/27&31/97 at Medford, Wisconsin

File # 291-MW-36601 Date dictated 10/27/97

by SA NORMAN E. BRUNER:CAL

U.S. v. Samuel  
0022

291-MW-36601

Continuation of FD-302 of JACK L. DITTRICH

On 10/27&amp;31/97 Page 2

DITTRICH allowed interviewing Agent to view the individual cages which had contained the mink and observed the cut fence area. At this point during the interview, interviewing Agent asked DITTRICH to cut or have one of his employees cut samples of wire from the fence for evidentiary purposes. This task was accomplished by PAUL SCHMIDT who had turned over three samples of wire fence to interviewing Agent prior to the termination of this interview. DITTRICH advised that any wire that was cut as a sample would have a bend, approximately 90 degrees, to differentiate the end of the wire which should not be examined by any laboratory and that the examination should be made on the straight end cut by the unknown individuals.

DITTRICH advised that another individual by the name of ROGER KUBITZ (phonetic) is another mink rancher in Athens, Wisconsin, who may have some information of a suspicious vehicle that he had observed approximately one to two weeks ago. DITTRICH advised that he personally is not aware of, or has seen, any suspicious vehicles around his fur farm prior to this release.

DITTRICH advised the name of the individual who may have stopped by to alert him at 1:30 a.m. is TOM HOBL who previously may have had telephone number (715) 748-4159.

DITTRICH advised that another friend and rancher of a fur farm is MIKE PATRICK, address W3746 West Rib Road, Westboro, Wisconsin, telephone number (715) 427-5260. DITTRICH advised that PATRICK's farm is approximately 15 miles away from his and that PATRICK allegedly saw a strange vehicle pull into his fur farm.

DITTRICH advised that to his knowledge most of, if not all, mink ranchers are identified on the Internet in some fashion and that it would probably not be very difficult for individuals to target the various farms.

DITTRICH was asked to estimate as much as possible the dollar value in damage and/or loss at the present time. DITTRICH advised that in his opinion the loss would be approximately \$40,000.00-\$60,000.00 and at this point many mink had been recovered and DITTRICH advised that he estimates approximately 300 are still missing.



291-MW-36601

Continuation of FD-302 of JACK L. DITTRICH, On 10/27&31/97, Page 3

DITTRICH provided interviewing Agent with a copy of the following bulletin/magazine, No Compromise - The Militant Direct Action Magazine of Grassroots Animal Liberationists and Their Supporters, Volume I, Number 4 dated October 1996. It should be noted that in this document ALF claims are abundant to various and specific cities within States containing fur ranches where animals were released by specific dates, as well as, other techniques and propaganda.

DITTRICH was again contacted on October 31, 1997, and asked to assist interviewing Agent with a more thorough search of the west boundary guard fence in hopes of finding additional wire samples suitable for comparisons. DITTRICH was advised that a red Geo Metro vehicle was stopped in Sheboygan County.

DITTRICH provided writer with additional wire samples which he referred to as wire clips which assist in holding the wire fence to the metal fence posts, as well as a small section of fence. As of this date DITTRICH has provided interviewing Agent with 11 pieces of wire sample which were cut or removed from the west perimeter guard fence. DITTRICH advised that as repairs are made, if additional samples are obtained, he would contact interviewing Agent and furnish him the same. These additional 8 samples of wire were obtained by RON DITTRICH and BILL RETTERATH, an employee of JACK DITTRICH.

- 1 -

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/6/98

On instant date writer met Taylor County Sheriff's Department (TCSP) Investigator HARLAN SCHWARTZ and was provided evidence obtained by the TCSP on November 3, 1997. Attached to, and considered apart of, this FD-302 is TCSP report providing details of the acquisition of a flashlight and TCSP's evidence/property/custody document.

It should be noted that according to TCSP's report attached, this particular flashlight was found in the lighted condition by a security guard at Jack Dittrick's Mink Ranch, Medford, Wisconsin, (Taylor County) as recorded on or about November 2, 1997. This is a considerable period of time after the first incident of mink which were released on the Dittrick's Mink Ranch in the previous month.

Investigation on 12/23/1997 at Wausau, Wisconsin

File # 297-MW-36601-18 Date dictated 12/23/1997

by SA NORMAN E. BRUNER:dlq

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U.S. v. Samuel  
0025

County Sheriff's Dept.  
11/2/23/1997  
TIME 8:49:12

AEGIS PUBLIC SAFETY SYSTEM  
INCIDENT REPORT

PAGE 1  
PL1190  
ANNE

INCIDENT #: 1997-00007115 ORI #: TASO INCIDENT TYPE: MISC P Misc

LOCATION : W PERK ST VENUE: TMED  
CROSS STREET : DITTRICK'S MINK RANC  
NATURE OF CALL: POSSIBLE PROWLER/ FOUND FLASH LIGHT STILL ON

DATE: TIME:  
CALL : 11/02/1997 23:54:46 Sunday  
DISPATCH : 11/02/1997 23:54:46  
ARRIVE 1 : 11/02/1997 23:54:46  
CLEAR : 11/03/1997 19:29

AREA : TMED SECTION : TMED BEAT: COUNTY  
QUADRANT: MDFD DISTRICT: MAMB GRID:

UNIT 1 #: 72 ID # 1: BOWERS, STEVEN, W, ID # 2:  
UNIT 2 #: ID # 3: ID # 4:

RECEIVED ORI/ID : TASO ANDERSON, DARLENE, M,  
DISPATCH ORI/ID : TASO ANDERSON, DARLENE, M,  
DISPATCH SHIFT : C SHIFT  
SOURCE : On Patrol REPORT REQUIRED: NO  
POSITION : Clear Yes PRIORITY : 8 MUTUAL AID:  
LICENSE PLATE : LICENSE STATE : CREATED BY: ERICP

ORIGINAL INFORMATION:

LOCATION : , , 5226 PERKINS, , VENUE: CMED  
CROSS ST : , DIETRICK'S MINK RANC, ,  
INCD TYPE: MISC P Misc PRIORITY: 8

STATUS/DISPOSITIONS:

DISPOSITION: UNIT: DATE: TIME: ID # 1: / ID # 2:  
Clear Yes 72 11/03/1997 14:03:57 BOWERS, STEVEN, W,

RADIO LOG:

UNIT: TYPE: STATUS: DISPATCH: ARRIVE: CLEAR: ID # 1: ID # 2:  
72 PATL Creat Incd 23:54:46  
72 PATL Clear Unit 0:19:29

DOCUMENTS:

Dispatch Narrative

Information on the units assigned to the call follows.

Unit#: 72 Radio#: Officer 1: Officer 2:  
DSP: / / : ARV: 11/02/97 23:54 CLR: 11/03/97 00:19

72 narrative

When I arrived, I met with Jason M Judnic, the night watchman at the mink ranch. He told me that he had been on patrol in the area when he found a flashlight laying on the ground. He told me that the flashlight was still turned on. He then gave me a small, camo-colored flashlight. He told me that he had already touched the flashlight. I took the flashlight for possible evidentiary value. He went on to tell me that the flashlight had been found by some pine trees on the west edge of the property. I searched the area, however

U.S. v. Samuel  
0026

or County Sheriff's Dept.  
DATE 12/23/1997  
TIME 8:49:12

AEGIS PUBLIC SAFETY SYSTEM  
INCIDENT REPORT

PAGE 2  
PL1190  
ANNE

-----  
my footprints but no others. Synol and Coyer drove around the area looking for anything suspicious. They did not locate anything. The flashlight was placed in my evidence locker.

BOWERS #72

NAMES:

Caller : DITTRICH, JACK, L,

U.S. v. Samuel  
0027



AGENT COPY

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/6/97

The following investigation was conducted Special Agent (SA) NORMAN ED BRUNER of the Wausau Resident Agency of the Federal Bureau of Investigation (FBI) on October 31, 1997:

Writer had previously spoken telephonically to Detective Konrad Kaczowski, Sheboygan County Sheriff's Department, Sheboygan, Wisconsin, telephone number (920) 459-3111. Detective Kaczowski provided by facsimile (fax) to writer, a photocopy of a map which appeared to have come from a telephone book in the City of Medford, Wisconsin, which had been found subsequent to the execution of a search warrant of a red Geo Metro previously stopped by the Sheboygan County Sheriff's Department.

Writer physically began examining locations for public payphones and/or telephone books were readily available in the City of Medford, Wisconsin.

After several attempts, a public payphone and telephone book were located in HARDEE's fast food restaurant located at 230 South Eighth Street (Highway 13), Medford, Wisconsin. Writer upon examining a telephone book for the City of Medford/Rib Lake, Wisconsin, reflecting the date of October, 1996, was affixed by a cable allowing it not to be removed, in a holder adjacent to the payphone bearing telephone number (715) 748-9941 was missing Page Number 10 in the initial part of the yellow-page section.

Upon initial observation, the remaining portion of the telephone book where 10 should have been reflects a portion of the page which had been torn and appears to match the map received by the Sheboygan County Sheriff's Department. The map received by fax from the Sheboygan County Sheriff's Department is attached hereto and considered part of this FD-302. It should be noted that the original map should be identified as one of the items recovered from the execution of a search warrant of the red Geo Metro.

291-MW-36601-38

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 17 1997	
FBI - MILWAUKEE	

*msf*

Investigation on 10/31/97 at Medford, Wisconsin

File # 291-MW-36601

Date dictated 11/4/97

by SA NORMAN E. BRUNER:CAL

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291-14W-36601

Continuation of FD-302 of \_\_\_\_\_

, On 10/31/97

, Page 2

Writer obtained this telephone book for evidentiary purposes for later comparisons to be made by the Federal Bureau of Investigation (FBI) Laboratory to confirm whether or not the item found in the red Geo Metro is identical to this telephone book as its place of origin, as well as, potential latent fingerprints in the vicinity of the telephone book where the page may have been taken by subjects.

Writer then placed a marking long distance telephone call from the same public payphone which bears telephone number (715) 748-9941. The telephone call was placed in the following fashion at approximately 2:02 p.m. on October 31, 1997. Writer placed a long distance telephone call to the Milwaukee Office of the FBI at telephone number (414) 276-4684, charging the call to the Wausau Resident Agency Credit Card Number (715) 842-2666-9964.

It is anticipated that a subpoena for toll records over the previous weekend from this payphone may reveal pertinent calls by unknown subject(s).

[illegible]

-72-



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/6/97

On instant date writer sent via facsimile (fax) two FUR COMMISSION Alert Notices dated October 17, 1997, and October 18, 1997, referencing animal rights criminals raiding a farm in South Dakota and Sioux City, Iowa, respectively. This information was sent via fax to the Taylor County Sheriff's Office to the attention of Sheriff Bill Breneman for informational purposes followed by a telephone call requesting that the fur farms in the Taylor County area should perhaps be contacted to be on alert if they were unaware of these notices. It should be noted that this was accomplished prior to the first incident regarding illegal mink releases during the early morning hours of October 26, 1997.

On October 27, 1997, while conducting investigation relative to the illegal mink release at the JACK DITTRICH FARM in Medford, Wisconsin, writer obtained the following Taylor County Sheriff's Department Reports which are attached hereto and considered part of this FD-302.

The first report dated October 26, 1997, references an incident at 1:40 a.m. whereupon a Taylor County Sheriff's Department (TCSD) Deputy responded to the residence of MIKE PATRICK on West Rib Road relative to a suspicious vehicle driving through his fur farm. It was at this time that the deputy also realized that mink had been released at the JACK DITTRICH RESIDENCE/FUR FARM, W5226 Perkins Street, Medford, Wisconsin.

It is believed that the second report dated October 27, 1997, is not felt to be pertinent regarding the illegal release of mink.

Also attached is the fax cover sheet and FUR COMMISSION alert notices sent via fax to the Taylor County Sheriff's Department.

Investigation on 10/24/97 at Wausau, Wisconsin

File # 291-MW-36601-39

Date dictated 10/24/97

by NORMAN E. BRUNER:CAL

## Supplementary Report

Date: 10 / 26 - / 97

Case # \_\_\_\_\_

Page 1 OF 1

Case Status \_\_\_\_\_

Deputy Synol

On Sunday, October 26, 1997, at approximately 1:40 AM I responded to the Mike Patrick residence on West Rug Road. After he phoned in a report of a suspicious vehicle that drove through his fur farm. While responding to this complaint, it was reported that the Jack Dittrich mink farm was targetted by animal activist & that his mink had been released.

Upon my arrival at PATRICKS, I met with Kyle Patrick & their night watchman. The night watchman said that ~~on~~ a large car had come into the driveway from the west. The car then left, traveling toward STH-102. The car then turned east on STH-102 toward Rib Lake.

The only description given to me by the watchman was that the car was big, had rectangular tail lights and was a darker color. The car did not have any outstanding features (loud exhaust, auxiliary lights etc...)

The Patricks did not report any damage on the property. The area was patrolled in an attempt to locate a vehicle matching the description given. The vehicle was not located.



Taylor County Sheriff's Department  
Supplementary Report



Date: 10/27/97

Case # C97-6952 Page 1 OF 2

Case Status INACTIVE

Deputy Synol

On Monday, October 27 1997, at approximately 12:42 AM I located a black Ford RANGER truck parked on Sunset Dr. South of Center Ave. The truck was unoccupied & parked on the west side of the road facing South. The truck appeared to have been there for some time as the hood & grill of the truck was odd. A registration check of the truck indicated that the owner was Orman E. Boggs from Birnamwood, WI.

Approximately 15 minutes later, I met the truck traveling north on Sunset Dr. A Traffic Stop was initiated & the truck drove to the side of the road & stopped.

The truck was occupied by four (4) male individuals

I spoke individually with each person. They all relayed the same information that the truck began to have a mechanical problem & that they walked to a house with lots of lights to call for help. They told me they then saw the Squad & that when they returned to the truck, the 4way flashers were on. They then decided to leave in the truck. All individuals told me that they were there because NATHAN grew up in this area & was showing them around. NATHAN told me that he was looking for a friend's house on Sunset Road. HE TOLD ME HE WAS LOOKING FOR THE ANAMS Residence.

# Taylor County Sheriff's Department Supplementary Report



Date: 10/26/90

Case # \_\_\_\_\_

Page 2 of 2

Case Status \_\_\_\_\_

Deputy \_\_\_\_\_

AFTER A Driver's record check was conducted on  
all individuals they were released.

There were no weapons seen inside the vehicle or  
in the bed of the truck.

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0040



**LINCOLN COUNTY SHERIFF'S DEPT  
CRIMINAL COMPLAINT**

Classification		Location of Incident		Report #	
VANDALISM		N10685 RED PINE RD		97011553	
Day, Date, and Time of the Occurrence		Date and Time of the Report		Disposition	
10-26-97 UNK TIME		10-28-97		UNDER INVESTIGATION	
Victim's Name ( Last, First & MI)		Sex	Race	D.O.B.	Soc. Sec. No.
OTT ALEX J.		M	W		
Victim's Address	City	State	Zip	Home Phone	Work Phone
N10685 RED PINE RD	TOMAHAWK	WL	54487	715-453-8845	
Reporting Party's Name (Last, First & MI)		Sex	Race	D.O.B.	Soc. Sec. No.
Reporting Party's Address		City	State	Zip	Home Phone
					Work Phone

Is a Witness Named in the Narrative ?  
Yes No

Is a Suspect Named in the Narrative ?  
Yes No

**NARRATIVE**

ON OCT. 26<sup>TH</sup> 1997 AT APPROX. 6:32AM DISPATCH ADVISED OF A COMPLAINT FROM OTT'S MINK FARM LOCATED ON RED PINE RD. DISPATCH ADVISED THE COMPLAINANT ALEX OTT STATED A GROUP OF ANIMAL RIGHTS ACTIVISTS RELEASED SOME OF HIS MINK.

UPON ARRIVAL I MET WITH ALEX OTT. HE STATED THAT ONE SHED OF MINK WERE LOOSE. COMPLAINANT STATED EVERY MINK BOX WAS OPEN IN THIS SHED AND ALL THE MINK WERE LOOSE. HE ALSO STATED THE GATE ON THE WEST SIDE OF THE FARM WAS LEFT WIDE OPEN. HE HAD NUMEROUS MINK THAT WERE LOOSE IN THE WOODS AND HE HAD ABOUT FIVE TO SIX PEOPLE IN THE WOODS CHASING THE MINK. WHILE I WAS TAKING HIS INFORMATION WE NOTICED A MINK THAT WAS DYING. THE COMPLAINANT STATED WHEN THE MINK ARE LET LOOSE THEY CANNOT SURVIVE ON THEIR OWN. HE STATED THIS MINK WAS EITHER BIT ON THE NECK BY ANOTHER MINK, OR IT WAS JUST DYING OF EXCITEMENT.

THE COMPLAINANT ADVISED THAT AT APPROX. 3:00AM HE WENT OUTSIDE OF HIS HOUSE AND SHINED A FLASHLIGHT AROUND THE MINK FARM. IT IS VERY POSSIBLE THAT THIS MAY HAVE SCARED THE PEOPLE AWAY THAT WERE RESPONSIBLE FOR LETTING THE MINK LOOSE. THEY HAD NUMEROUS OTHER SHEDS THAT HAD MINK IN THEM, BUT ONLY ONE WAS HIT. COMPLAINANT ADVISED THAT THE APPROX. VALUE OF THEIR MINK ARE AS FOLLOWS, \$30.00-\$40.00 FOR A FEMALE AND \$60.00-\$70.00 FOR A MALE. THERE WERE 350 PENS OPEN IN THE SHED WITH SOME OF THE PENS WITH DOUBLE MINK IN THEM. AT THE TIME IT WAS UNKNOWN HOW MANY WERE GOING TO BE RECOVERED. THE COMPLAINANT STATED ANOTHER MINK FARM IN MEDFORD WAS HIT LAST NIGHT ALSO.

Reporting Officer	Sergeant's Approval	Report Review
DEPUTY DANIEL J. HEISEL		Page / of /

*Daniel J. Heisel*

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CASE # 1097-558

No.

Prisoner

(Address)

Victim\_

N10685 RED PINE RD TBMATHAWIK WI

(Address)

(Name)

(Address)

(Name And/Or Address)

tested or recovered by DET. SGT. M. RATKOVICH

P.R.#

(ITEMS OM-1, OM-2, & OM-3 AIR DRIED, RE-SEALED 11-03-97)

0169



LINCOLN COUNTY SHERIFF'S DEPARTMENT  
PROPERTY CRIME NON-CONSENT FORM

To Whom It May Concern:

I, Alex Ott

(Name)

N10685 Red Pine Rd

(Home Address)

TOMAHAWK WI 54487

(City, State, Zip)

, reported to the Lincoln County

Sheriff's Department that person(s) committed a crime against my  
my property which (is/was) located on Red Pine Rd.

(Road)

in the Township of BRADLEY section number \_\_\_\_\_  
Lincoln County, Wisconsin.

\*(Property owner to initial the line preceding the applicable  
paragraph and detail the loss on the respective lines).

X 97 Entered upon my property without my consent.

Entered upon my property without my consent and took and  
carried away movable property belonging to me without my  
consent including:

3.50 PENS WERE OPEN.  
SOME PENS HAD DOUBLE MILK IN THEM

X 97 Took and carried away movable property belonging to me  
without my consent including:

X 97 Damaged property belonging to me without my consent  
including:

Dated this 26<sup>th</sup> day of October, 1997

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Alex Ott  
PROPERTY OWNER/CONTROLLER SIGNATURE

Alex Ott  
PRINTED OR TYPED NAME

LINCOLN CO. SHERIFF'S DEPT.  
# 1097-558

Interview: Robert W. Eisenman m/w 03-28-45  
N10710 Red Pine Rd.  
Tomahawk, WI 54487  
453-8943 Work/Cell: 493-3261

Date/Time: 11-01-97/12:20PM

Summary: Robert Eisenman said that he had seen a samall red "beater type" car parked right by the railroad track, 3 times. The first time was in the 3rd week of October. Then again on a Thursday (October 23).

Eisenman said that there is no shoulder to the road there, so the car was parked mostly on the roadway. Each time he saw the car, there was the same male white standing beside it (no other occupants). Eisenman said that twice he stopped his own vehicle, got out and approached the man to see what he was doing there. Both times the man didn't say anything - but immediately got in his car and left. Eisenman said he has not seen the care ther, or in town since. Eisenman said he is positive he would be able to pick the person out in person, or a photo line-up.

Eisenman said his father saw the man there also.

Eisenman said that he saw him around 2-3 each time, and assumed he was a worker looking at the railroad tracks.

*Det. S. T. M. Felt*  
DET. SGT. M. RAITKOVICH

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LINCOLN CO. SHERIFFS DEPT.

#1097-558

Phone Interview: Winand R Eisenman 04-19-17  
10822 Red Pine Rd.  
Tomahawk, WI 54487  
453-2225

Date/Time: 11-01-97/12:20PM

Summary: Winand Eisenman said he saw a small red car parked by the railroad tracks on Red Pine twice. Both times a m/w was standing near the car, looking down the tracks. Both times it was about 11am, and during the week. He believes one of the days may have been on a Thursday.

He could offer no further description. He said he assumed he must have had something to do with the railroad, and didn't pay any attention.

*Det. Sgt. M. Ratkovich*  
DET. SGT. M. RATKOVICH

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0172

Lincoln County Sheriff 9-1-1  
VisionCAD Operations Report

110

1 AGENCY LINCOLN CO E911 WI3500		2 Person Recvg Complaint PETERSON,N		3 DATE / TIME Received 10/29/97 : 0642.27 Wednesday		5 Time Arrived 0000.00		7 Case Number 97011645					
				4 Time Dispatched 0645.27		6 Time Complete 0646.54							
8 Nature of Incident		SUS VEH : SUSPICIOUS VEHICLE SAYS THAT HE SEEN "A LITTLE RED CAR" WITH ONE MALE IN											
9 Location of Incident		N10710 RED PINE RD, TOMAHAWK, 715-453-8943 RED PINE RD TOMAHAWK											
10 Victim/Complainant Accused		EISENMAN, ROBERT											
12 Classification <input checked="" type="checkbox"/> General Police <input type="checkbox"/> Traffic <input type="checkbox"/> Emergency			<input type="checkbox"/> Crime <input type="checkbox"/> Spec Activities <input type="checkbox"/> Tech Services			Time Transmitted 0000.00 Time Shipped 0645.27		14 Disposition <input type="checkbox"/> Pending <input type="checkbox"/> Complete <input type="checkbox"/> See Inv Rpt <input checked="" type="checkbox"/> J INFORMATION		15 Officer Assigned 137 16 Officer's Signature		17 Date Submitted 10/29/97	

Report Printed : 10/31/97 14:07:23

Priority = 1 Dept = LISO Tract = BRAD Patrol = NORTH Category = SHERIFF

Dispositions = J

Comments = IT PARKED ON RED PINE RD ON 10-22-97 AT APPX 2 PM. HE

Comments = SAID IT MATCHES DESCRIPTION OF ANIMAL ACTIVISTS.

Call Note = THE RR CROSSING.

0645 137 NOTE

0646 137 NOTE

0646 137 NOTE

0646 137 NOTE

0647 137 NOTE

SAYS HE COULD ID DRIVER IF  
ANY SUSPECT IS LOCATED. HE  
DID NOT GET A LICENSE PLATE  
THE CAR WAS PARKED RIGHT NEA  
THE RR CROSSING.

Unit	Disp	Enro	OnSc	Left	Dest	Usr1	Usr2	Usr3	Dele	Comp	Dept	Dept Number
137	0645.28									0646.56	LISO	96018637

U.S. v. Samuel

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1 AGENCY LINCOLN CO E911 ORI WI3500		2 Person Recvg Complaint NICHOLSON,		3 DATE / TIME Received 10/31/97 : 1741.56 Friday		5 Time Arrived 0000.00		7 Case Number 97011756	
				4 Time Dispatched 1742.13		6 Time Complete 1757.29			
8 Nature of Incident		SUSP ACTVTY : SUSPICIOUS ACTIVITY COMPLAINANT: BRIAN BOOTH. SUBJ ADVISED THAT TODAY AT							
9 Location of Incident		N11486 COUNTY RD A, TOMAHAWK, 715-453-7138 N11486 COUNTY RD A TOMAHAWK							
10 Victim/Complainant Accused		NORTHERN VIEW MINK RANCH							
12 Classification <input checked="" type="checkbox"/> General Police <input type="checkbox"/> Traffic <input type="checkbox"/> Emergency		<input type="checkbox"/> Crime <input type="checkbox"/> Spec Activities <input type="checkbox"/> Tech Services		Time Transmitted 0000.00 Time Shipped 1742.12		14 Disposition <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete <input type="checkbox"/> See Inv Rpt		15 Officer Assigned 133 16 Officer's Signature	
								17 Date Submitted 10/31/97	

Report Printed : 10/31/97 18:35:09  
Priority = 1 Dept = LISO Tract = BRAD Patrol = NORTH Category = LAW  
Comments = THEIR RANCH & THE RANCH IN ONEIDA CO THERE WAS A  
Comments = PLANE FLYING TREETOP LEVEL SEE NARRATIVE

Unit	Disp	Enro	OnSc	Left	Dest	Usr1	Usr2	Usr3	Dele	Comp	Dept	Dept Number
133	1742.13									1757.30	LISO	96018721

TITLE of Narrative [ Narrative ID = 97011756 CAD---001 ]  
Added 10/31/97 - 18:29:30 By NICHOLSON,V

The plane is a white single engine with 1 stripe running down the side. Stripe is a gold or tannish red. If the plane sees anyone come out into the yard - it pulls up quickly & takes off.

Mr. Booth advised that he has his own security & subject may be calling if there is any trouble.

He also received a Fur Commission USA Security Alert. Their ranch is on it & so is the ranch on Red Pine. The copy he faxed will be in 110's box.

ADMIN 14388 277 10/31/97 19:17 01 OF 01

RECEIVING DEVICE: WI350000 LINCOLN COUNTY SHERIFF FROM 1068 (LISO)

SENDING DEVICE: WI0440000 ONEIDA COUNTY SHERIFF FROM 3500 (ONEID)

MESSAGES FROM: TASHI FROM LISO

ATTENTION:

REFERENCE: MINK FARM RELEASES

CAN YOUR AGENCIES CHECK AND ADVISE THIS DEPT IF ANY OF THE MINK FARM EMPLOYEES OR OWNERS HAD NOTICED A SINGLE ENGINE WHITE PLANE FLYING LOW OVER THEIR PROPERTIES A FEW DAYS PRIOR TO THE MINK FARM RELEASE. IF SO CAN YOU PLEASE SEND ANY INFO BACK TO THIS AGENCY. THANK YOU IN ADVANCE

AUTHORITY: TIMOTHY G MILLER SHERIFF  
ONEIDA COUNTY SHERIFF DEPT

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# 1097-558

p.1

Interview: Alex J Ott m/w 05-16-61  
N10685 Red Pine Rd  
Tomahawk, WI 54487  
453-8845

Date/Time: 10-31-97/12:20PM

Place: N10685 Red Pine, Various locations within the ranch.

Summary: Alex Ott (Jr), said they had been warned of activists releasing mink through the FUR COMMISSION USA (see attached sample messages), so he and his father (Alex Ott Sr), had prior warning to the possibility of their ranch being a target.

Alex Ott (Jr) said that his father had gotten up during the early morning hours of October 26, 1997, to let the dog out to go to the bathroom. During the "walk", Alex Sr. shined his flashlight under the pens, then returned to the home with the dog.

Alex Ott (Jr) said that the mink release was discovered later that same morning after 6am, and reported the incident.

Alex showed me an approximately 10' wide gate located on the west end of the approximately 3 1/2' high perimeter fence. He said the gate was found fully extended open, the morning of the 26th. The gate is secured by a large bolt type device, but is not "locked". No damage to the gate or fenced perimeter was located.

The mink shed that had the mink released, is located a short distance from the perimeter gate at the northwest corner of the ranch. The pen was photographed, and soil samples were taken from 3 locations within the pen.

The pen contained 300 mink cages, the individual doors secured by a swiveling hook located at the top of each cage. The cages were photographed.

Alex Ott (Jr) said that the offender/s had opened each hinged door within the pen in addition to swiveling the retaining hook to the open position.

Alex Ott said that he has recovered all but 70, of the 300 released mink as of today.

Alex said that his father, Alex Sr, had seen a van in Tomahawk 2-3 days before the 26th. The van matched a description of animal activists believed to be involved in other mink releases. (See attached copy dated October 29, 1997 from NORTH AMERICAN FUR AUCTIONS TORONTO).

Alex said that his neighbor, Robert Eisenman, saw a small red car parked on the railroad tracks (aprox 200 yds from the Ott Mink Ranch), and reported it to police. (No one was home at the Eisenman home when I was there at 2:00pm).

Alex Ott (Jr) provided me with copies of documents he received from various organizations that are warning fur farmers of the activists. Alex Ott (Jr) also gave me consent to obtain soil samples, search the enclosures and property during the investigation.

*Det. S. T. M. Ratkovich*  
DET. SGT. M. RATKOVICH



LINCOLN CO. SHERIFF'S DEPT.  
# 1097-558

P.1

Interview: Alex J Ott (Sr) m/w 03-09-28  
N10685 Red Pine Rd  
Tomahawk, WI 54487  
453-8845

Date/Time: 10-31-97/1:06PM

Place: N10685 Red Pine, Various locations within the ranch.

Summary: Alex Ott (Sr), said that their dog gets up during the night needing to walk/bathroom. Alex (Sr) said that whoever hears the dog first, gets up and takes him out. Alex (Sr) said that about 1:50am (10-26-97) he got up, because the dog had to go out. Alex (Sr) said that for about the last 3 weeks he and his son have been going out with the dog and shining a flashlight around the pens. This was in response to the stepped up activists activity around the country against mink ranchers.

Alex Ott (Sr) said that when he went out that morning, he had his flashlight, and a handgun. He crouched down and shined the light beneath the pens from the parking area (see attached sketch). From that position, line of sight carries far back into the perimeter, and it would be possible to see someone standing inside the pens (no walls on lower portion of pens).

The dog did not alert to anything, nor did Alex Ott (Sr) see any released mink within the perimeter fence.

Alex Ott (Sr) said that it was later that they discovered the released mink. It was only the single pen that had the cages opened.

Alex Ott (Sr) said that about 2-3 days before the 26th, he pulled into a parking spot at Nelson's Supermarket (Tomahawk) next to a van. Alex (Sr) said that as he got out of his car, a man and woman walked to the van, and were staring at him. He noticed the van had a bumper sticker on it that said "Death Trap".

On the 29th of October, a letter faxed from NORTH AMERICAN FUR AUCTIONS TORONTO was received, warning them of a brown dodge van with a "Death Trap" bumper sticker on it. (See attached copy dated October 29)

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Alex said he does not remember the color, or type of plate on the van, just the "Death Trap". Alex Sr. said that the woman he recognizes from seeing in town before. He described her as : Mid to Late 20's  
Dark shoulder length hair  
Med build

Alex saw he did not recognize the male, but described him as:  
5'7"- 5'9"  
close beard, trimmed  
late 20's to early 30's

Alex Sr. said he was wearing his baseball style cap that had "Seattle Fur Exchange" on it - so maybe they were staring at that.

*Det. Sgt. M. Ratkovich*  
DET. M. RATKOVICH



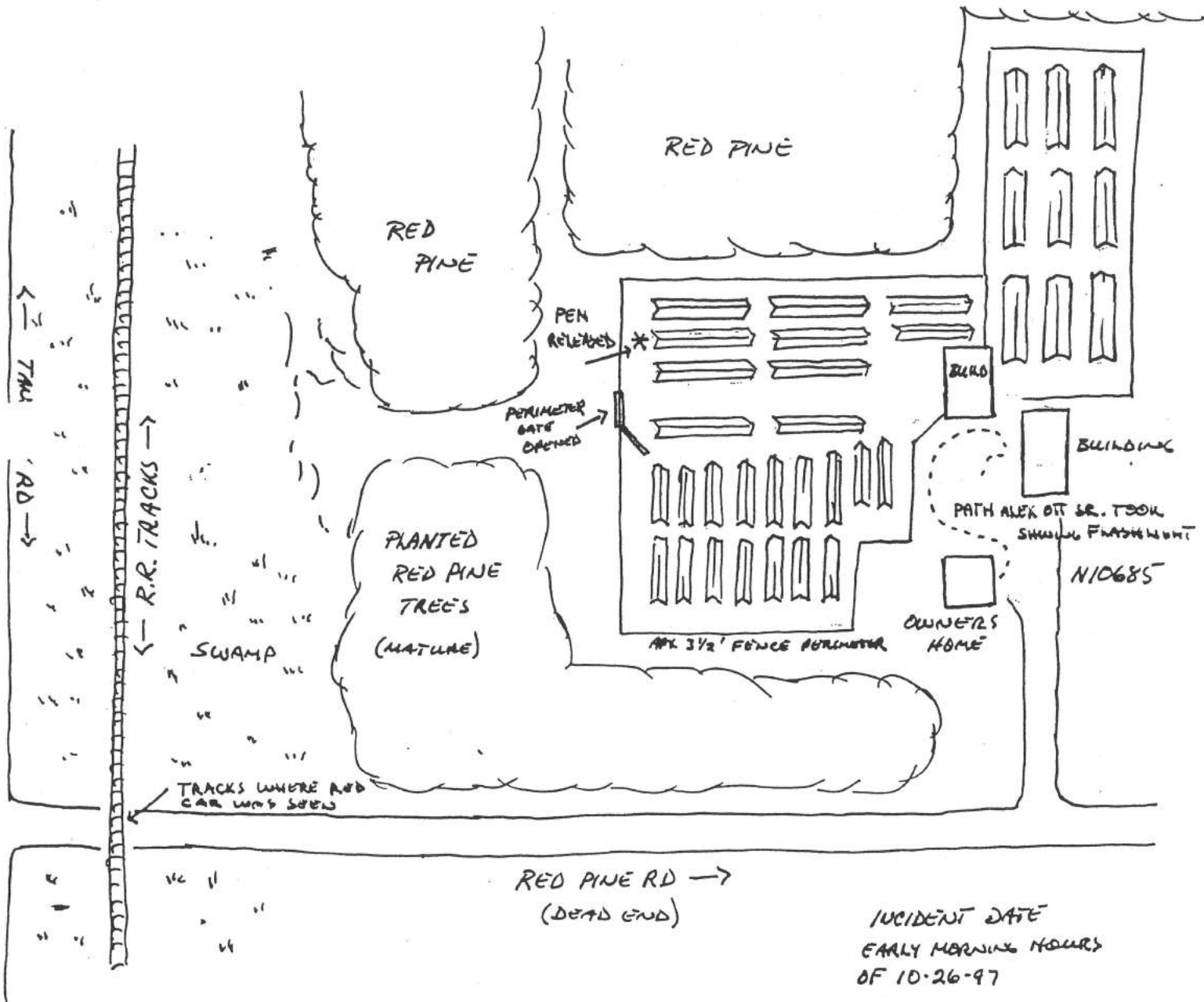
LINCOLN COUNTY SHERIFF'S DEPARTMENT  
Detective Sergeant Michael J. Ratkovich  
Investigative Report

Case # 1097-558

Page

N10685 RED PINE RD  
- ALEX OTT MINK RANCH -  
ROUGH SKETCH, NOT ALL INCLUSIVE

↑  
NORTH



Signature: Det. Sgt. M. Ratkovich

Date: 11-01-97

INCIDENT DATE  
EARLY MORNING HOURS  
OF 10-26-97

LINCOLN COUNTY SHERIFF'S DEPARTMENT  
Detective Sergeant Michael J. Ratkovich  
Investigative Report

Case # 1097-558

Page 1 of 3

10-30-97 - ASSIGNED TO OTT'S MINK RANCH CASE  
INVESTIGATIVE TIME LINE  
CASE: 1097-558

10-31-97 / 8:45 AM

S.A. Ed Brunner (FBI - Wausau office) said that the two occupants of the red Geo Metro (Washington 560 GDO) were:

Peter D. Young M/W 06-26-77

Justin C. Samual M/W 12-31-78

The vehicle was impounded and a search warrant executed. Among the evidence collected, was a list that included the address:

N10685 Red Pine Road (victim of 300 mink released  
Tomahawk, WI 54487 10-26-97)

Also two other addresses:

9875 Siemering Road

2151 Krystal Cove

With a notation "not found" written next to them.

S.A. Brunner requested I interview Alex Ott, and collect soil samples. Also that I attempt to locate the two addresses.

10-20-97

Advised Det. Sgt. Schaepe of the updated information, both addresses are in Oneida County, the Siemering address, is a large mink ranch - he will check on the other.

10-31-97 / 11:30 AM

Briefed Tomahawk Police Department, requested they check with officers to see if they ran checks on, out-of-state plates, or had contact with a red car.

Signature: Det. S. T. M. Ratkovich

Date: 11-03-97

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LINCOLN COUNTY SHERIFF'S DEPARTMENT  
Detective Sergeant Michael J. Ratkovich  
Investigative Report

Case # 1097-558

Page 2 of 3

10-31-97 / 12:12 PM

N10685 Red Pine Road - "Ott's Mink Ranch.

Interviewed: Alex J. Ott (Jr.)  
Alex J. Ott (Sr.)

Photographed scene, obtained soil samples, sketched scene and area.

10-31-97

Dispatch printed all 10-28's, ran 10-25's and 10-26's, no Washington plates seen.

11-01-97

Phone interviewed: Robert W. Eisenman  
N10710 Red Pine Road

Eisenman reported seeing a small red car with one occupant approximately 200 yards from the scene, on three prior occasions. He said he could identify the subject, from a photo.

11-01-97

Contacted the airport manager of Tomahawk Airport, and the flight instructor. Neither remembers a plane taking off from the airport 10-31-97 in the afternoon hours. (Report of suspect plane above two mink ranches, the wife of the complainant said that the plane came over approximately 2:30 PM to 3:00 PM, it was not reported until after 5:00 PM). The airport manager will check fuel sales, to see if anyone came in the afternoon of the 31st, and contact me if there had been.

11-02-97

Spoke to Brian Booth on telephone. He further described the plane as an older high wing, single engine, with gold or tan narrow stripe on white fuselage. Flew at tree top level, left going east.

11-03-97

Checked with Tomahawk Railway, they said Wisconsin Central now owns that stretch of line, but that Wisconsin Central did have

Signature: Det. M. Ratkovich

Date: 11-03-97

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LINCOLN COUNTY SHERIFF'S DEPARTMENT  
Detective Sergeant Michael J. Ratkovich  
Investigative Report

Case # 1097-558

Page 3 of 3

crews out there, changing signs, and marking rails last week, and the week before.

Checked in with S.A. Berg and gave him an update, and will provide him with a file copy today.

Signature: Det. S. J. Ratkovich Date: 11-03-97

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0184

1 AGENCY LINCOLN CO E911 ORI WI3500		2 Person Recvy Complaint HARING, K D		3 DATE / TIME Received 10/26/97 : 0631.41 Sunday		5 Time Arrived 0705.15		7 Case Number 97011553					
				4 Time Dispatched 0632.21		6 Time Complete 0756.25							
8 Nature of Incident		VANDALISM : VANDALISM HIS MINK RANCH WAS HIT BY ANIMAL RIGHTS ACTIVISTS LAST											
9 Location of Incident		N10685 RED PINE RD, TOMAHAWK, 715-453-8845 N10685 RED PINE RD TOMAHAWK											
10 Victim/Complainant Accused		OTT, ALEXANDER J											
12 Classification <input type="checkbox"/> General Police <input type="checkbox"/> Traffic <input type="checkbox"/> Emergency			<input checked="" type="checkbox"/> Crime <input type="checkbox"/> Spec Activities <input type="checkbox"/> Tech Services			Time Transmitted 0000.00 Time Shipped 0632.20		14 Disposition <input type="checkbox"/> Pending <input type="checkbox"/> Complete <input type="checkbox"/> See Inv Rpt <input checked="" type="checkbox"/> A CONTINUED		15 Officer Assigned 122 16 Officer's Signature		17 Date Submitted 10/26/97	

Report Printed : 10/26/97 13:37:59

Priority = 2 Dept = LISO Tract = BRAD Patrol = NORTH Category = 911

Dispositions = A

Comments = NIGHT HAS ANIMALS ALL OVER WOULD LIKE A DEPUTY

Call Note = 10-6 W/ CORRECTIONS

0651 122 NOTE

10-6 W/ CORRECTIONS

Unit	Disp	Enro	OnSc	Left	Dest	Usr1	Usr2	Usr3	Dele	Comp	Dept	Dept Number
122	0632.21	0730.03	0736.49						0655.53		LISO	96018573
		0650.27	0705.15						0756.40		LISO	96018573

TITLE of Narrative [ Narrative ID = 97011553 CAD---001 ]  
Added 10/26/97 - 09:25:54 By HARING, K D

Sent out TTY's to NEAR & CEAR to see if any similar incidents occurred. Taylor SO had a similar incident where mink were released no dmg to property.

Alex had aprox 300 mink released and no dmg.

129 will do report.

Copy faxed to Sawyer County SD Deputy Sabin per his request. He has been working on this type case fro 3 days.

10/26/97

Per 115 sent TTY'S Cear & Near asking Departments to check local Hospitals for any cases of animal bites.

139 10/26/97 12:30 checked with WHC, GSH, ST. MARY'S, SHH. Langlade, Taylor ER & Price ER no reports.

Recieved inforamtion from Richard Anderson Trempealeau Co Sheriff's Department. In ref. to our TTY.



Mr. Anderson stated that the FBI/Commissioners office out of St. Paul Minn. is involved with the case in Taylor county. Bob Buckler 612-222-1080. Any questions Richard Anderson can be reached at Trempealeau Co Sheriff's Department. 715-538-4351

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0186

## REFERENCE: NATIONAL RIGHTS ACTIVISTS

AUTHORITY: LINCOLN COUNTY SHERIFF'S DEPARTMENT  
PAUL C. PROULX

OPERATOR: 139

70466 1068 910350000  
H0000 33974 101 10/26/97 11:25 01 00 01

RECEIVING DEVICE: WI03500000 LINCOLN COUNTY SHERIFF PSN 1068 (LISU)  
SENDING DEVICE: WI03500000 LINCOLN COUNTY SHERIFF PSN 1068 (LISU)

MESSAGLS FOR: CEAR

ATTENTION: DISPATCH/PATROL

REFERENCE: ANIMAL RIGHTS ACTIVISTS

IN REFERENCE TO TTY SENT AT 08:22 10/26/97 COULD YOU CHECK WITH LOCAL HOSPITALS  
TO SEE IF THEY HAD ANY CASES ANIMAL BITES.  
THANK YOU FOR YOUR ASSISTANCE

AUTHORITY: LINCOLN COUNTY SHERIFF'S DEPARTMENT  
PAUL C. PROULX

OPERATION: 139

466 1068  
JMM 39047 102 10/26/97 11:29 01 OF 02

RECEIVED: WILSON  
LINCOLN COUNTY SHERIFF  
FEB 1968 (1150)

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AGENT COPY

1

The following investigation was conducted by Special Agent (SA) NORMAN ED BRUNER on October 28, 1997, at Medford, Wisconsin:

Writer was contacted by Taylor County Sheriff Bill Breneman for the purpose of assisting Sheriff Breneman with a meeting anticipated with all individuals owning or associated with mink fur ranches in the adjacent counties or geographical area close to Medford, Wisconsin. Writer had agreed and met with Sheriff Breneman, Chief Deputy Bruce Daniels, District Attorney Shawn Mutter and individuals estimated at approximately 25 in number representing 14 different ranches of fur farms. Attached hereto is a list of the individuals and telephone numbers owning the various fur ranches.

The purpose of this meeting was believed to have been a successful exchange of information both ways between law enforcement and concerns of the ranchers. It was readily detected of the animosity and frustration exemplified by many of the ranchers and efforts were made to explain as much as possible law enforcement efforts conducted thus far in attempting to gain evidence and conduct investigations in order to determine who the responsible individuals are.

Questions were raised by the ranchers regarding the carrying of firearms if they encounter individuals on their property. It was explained as best as possible the ramifications of why carrying of firearms or any other weapons should not be accomplished. It was explained that to the best of law enforcement's knowledge thus far, that the individuals were not believed to be armed and/or dangerous and therefore having or carrying a weapon if a confrontation were to occur would likely result in heightened action for which if conducted any individual would have to account for his or her actions as any other any other law enforcement officer would.

In addition to discussing other concerns, it was recommended that certain things could be accomplished in order to improve security and awareness during this time of year when it appears that the illegal release of animals are occurring just prior to the harvest of the same.

291-MW-36601-28

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 17 1997	
FBI - MILWAUKEE	

msp

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It was also discussed that certain measures could be considered to help improve security and/or obtain evidence should anyone else become victims of such illegal releases of animals. One area that was discussed concerned the temporary hiring of security personnel which was felt to be beneficial in that live patrols during the nighttime hours should readily detect if entrance was made into the mink sheds and thereby hopefully minimizing the loss to the rancher. In addition individuals could contact various alarm-type security companies as it was suggested modifications could be made to perimeter guard fences to detect when and if the fence were to be cut affording an egress for the released mink. Additionally, SA BRUNER advised checking into hidden cameras activated with infrared devices utilizing infrared film in order to obtain photographs of unknown subject(s) engaged in the process of releasing the mink illegally. It was further advised that the Federal Bureau of Investigation (FBI) in no way is sponsoring or making the recommendation for any particular brand or type of equipment but merely that these types of items exist and are readily available in supporting catalogs such as CABELO's which are utilized by hunters to take nighttime photographs of wild game.

Ranchers also expressed concerns as to ultimate prosecution and types of charges which were partly answered by District Attorney Mutter and explained that potential State charges could also be duplicated by Federal charges of potentially higher significant penalties but no specific Federal violations of law were cited.

On October 29, 1997, writer received by United Parcel Service (UPS) a package of numerous documents and material from ROBERT BUCKLER, FUR COMMISSION USA, 225 East Sixth Street, Minneapolis, Minnesota 55101, telephone number (612) 222-1080. The information received also includes lists of militant animal rights activists by name and general criminal advice and techniques for followers of ALF (Animal Liberation Front) in targeting fur ranchers across the United States.

Writer was advised by BUCKLER during a telephone conversation of other individuals across the country that could be helpful in identification of ALF members from various law enforcement communities conducting extensive research on this subject. BUCKLER advised one of these individuals is Sergeant Bill Galvin, Syracuse Police Department, Syracuse, New York, telephone number (315) 425-1034, as well as, Officer Mike Larson, Portland, Washington, Police Department, telephone number (503) 823-0983. BUCKLER further advised that he has



obtained significant assistance and help from the FBI and specifically mentioned a coordinator regarding this subject at FBIHQ by the name of KEN PIERNICK, telephone number (202) 324-5401.

Also attached hereto are copies of Lincoln County Sheriff's Department Reports regarding vandalism and illegal release of 300 mink at OTT's MINK RANCH, N10685 Red Pine Road, Tomahawk, Wisconsin. The complaint was received by Lincoln County Sheriff's Department on October 26, 1997, at approximately 6:31 a.m. Sunday morning.

This matter was initially investigated by SA THOMAS E. BURG, Wausau Resident Agency (WRA). ALEXANDER OTT, JR., telephone number (715) 453-8845, advised that approximately 308 mink were released and valued the loss at approximately \$3,375.00. It was further mentioned that approximately 75 mink were still missing after others had been recovered.

OTT was contacted by SA BRUNER and advised that the unknown subject(s) did not have to cut any guard fence or wire on the premises and merely allowed the mink to be released from the premises by opening a main gate which was not locked.

1 AGENCY LINCOLN CO E911 ORI WI3500		2 Person Recv'd Complaint HARING, K D		3 DATE / TIME Received 10/25/97 : 2335.25 Saturday		5 Time Arrived 0020.28		7 Case Number 97011548		
				4 Time Dispatched 0002.46		6 Time Complete 0027.59				
8 Nature of Incident		SUS VEH : SUSPICIOUS VEHICLE THERE WAS A MID SIZED CAR NEAR DICK BAACKE RES VEHICLE								
9 Location of Incident		N11120 TANNERY RD, TOMAHAWK, 715-453-2823 N11126 TANNERY RD TOMAHAWK								
10 Victim/Complainant Accused		ISLO, CHERYL								
12 Classification <input checked="" type="checkbox"/> General Police <input type="checkbox"/> Crime <input type="checkbox"/> Traffic <input type="checkbox"/> Spec Activities <input type="checkbox"/> Emergency <input type="checkbox"/> Tech Services			Time Transmitted 0000.00 Time Shipped 2336.08		14 Disposition <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Complete <input type="checkbox"/> See Inv Rpt		15 Officer Assigned 138 16 Officer's Signature		17 Date Submitted 10/26/97	

Report Printed : 10/26/97 13:46:00  
Priority = 1 Dept = LISO Tract = BRAD Patrol = NORTH Category = SHERIFF  
Dispositions = L  
Comments = PULLED INTO HIS FIELD THEN LIGHTS DISAPPEARED U/K IF  
Comments = THEY PULLED OUT OR ARE THERE HE IS NOT HOME  
Call Note = 10-8, 10-24 UTL ANYTHING

2340 138	NOTE	WOULD LIKE A DEPUTY TO CHECK THE AREA DURING THE NIGHT 28 ON LKE199 10-8, 10-24 UTL ANYTHING
2340 138	NOTE	
0025 129	NOTE	
0028 129	NOTE	

Unit	Disp	Enro	OnSc	Left	Dest	Usr1	Usr2	Usr3	Dele	Comp	Dept	Dept Number
138										0027.59	LISO	96018571
129		0002.46	0020.28							0028.09	LISO	96018571

*SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT*

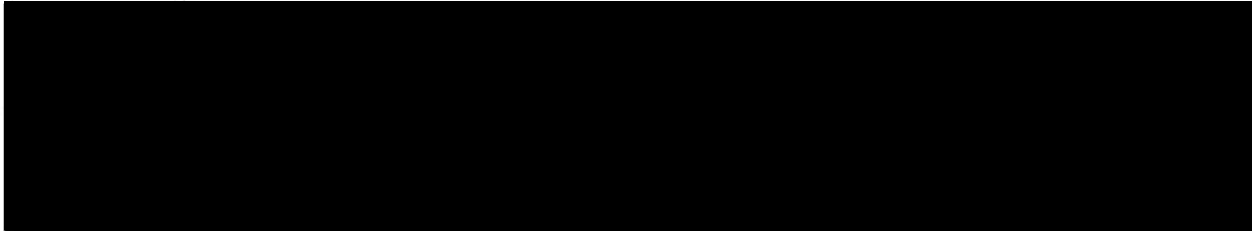
*Urban:184:m*

*9700016755*

*XX*

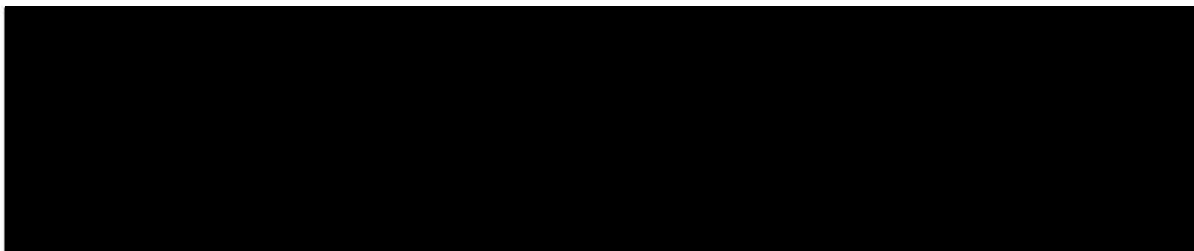
*ASSISTED WITH OCCUPIED DISABLED VEHICLE*

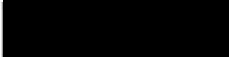

On Monday, 10/27/97, at 0917 hours I, Deputy Urban, came across an occupied disabled



shoulder of the off ramp and was not a hazard. The van's windows on their interior were covered with condensation, and it appeared the van was occupied and had been parked there for several hours.

I approached the van and observed there were four occupants inside sleeping in the rearward finished cargo area, and after I awakened them, I identified all of them through the state of Washington Photo Driver's Licenses as follows:



 who identified himself as the van's owner and operator before the van became disabled, told me their van broke down after losing power just before midnight on 10/26/97, and he was unsure what the mechanical problem was.  and the other subjects indicated they were a musical band, and had just finished an appearance at a tavern in the city of Green Bay, and were en route to the state of New York where they were scheduled for another appearance over the next several days. They said their musical equipment was stored beneath a carpeted tier that was constructed in the rear cargo area of the van on which they were sleeping on top of when I arrived.

U.S. v. Samuel  
0044

*SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT*

*Urban:184:m*

*9700016755*

[REDACTED] stated shortly after his van broke down just before midnight another female Sheriff's deputy stopped to check on their welfare, and after discussing their dilemma with her, they decided to remain with their van until daylight when it would be more convenient to get service for it. A check of Sheboygan County Sheriff's Department records indicated Deputy Olsen Unit #190 stopped to check on the van on 10/27/97 at 0007 hours.

[REDACTED] told me he was a member of the American Automobile Association and requested a AAA affiliated service center to tow his vehicle in order to get it repaired. I advised dispatch and the Depot Car Service Center tow truck arrived a short time later and towed

[REDACTED]

[REDACTED] my squad to the Depot Car Service Center. I ran wants or warrants checks on all of the individuals before leaving the scene and they all came up negative.

When I returned to work on 10/31/97, I received information from the FBI that [REDACTED] [REDACTED] vehicle was a suspect vehicle involved in mink releases from mink farms in the Trempealeau (csu) County area, and the occupants of [REDACTED] vehicle were possible members of the Animal Liberation Front. The Sheboygan County Sheriff's Department received this information on 10/28/97.

3 Person Forms

0 Article Forms

0 Vehicle Forms

Date: \_\_\_\_\_ Supervisor's Signature: \_\_\_\_\_

PSS Code: \_\_\_\_\_

Orig: 10/27/97 ~ Rec'd: 12/12/97 ~

12/12/97  
U.S. v. Samuel  
0045



The following investigation was conducted by Special Agent (SA) Paul J. Lazzari at Sheboygan, Wisconsin on February 3, 1998:

Kim Phalin, manager of the Depot Car Service Center, 1131 Pennsylvania, Avenue, Sheboygan, Wisconsin, telephone 920/452-1811, was contacted in connection with the towing of a disabled van bearing Washington license [REDACTED] on October 29, 1997. Phalin indicated that his personnel did tow the vehicle, a brown van, with four white male occupants to his business. After being advised that the repair work could not begin for several days, the occupants asked to be referred to another repair shop where repairs could be completed sooner. Phalin advised that he had the vehicle towed to Katts Tire and Auto, 2029 North 15th Street, Sheboygan, Wisconsin. Phalin stated that payment was made by one of the occupants using a AAA-California card. He recalled that the card was an anniversary edition, indicating that the member had belonged to AAA for 25 years. He made a mental note of this since none of the four individuals was old enough to be a member for 25 years. When a AAA card is used for payment, Phalin makes an entry on a log as to the date and service rendered and awaits payment from AAA. There is no detailed record of names, addresses or even the AAA account number retained. Once he receives payment from AAA, he discards the original log. In view of this procedure, Phalin had no written record of this transaction, but he did recall the event due to the AAA card and the four "different" individuals associated with the vehicle.

Ralph Katt, Katts Tire and Auto, 2029 North 15th Street, Sheboygan, Wisconsin was contacted in connection with the repair of a brown van, Washington license [REDACTED] towed to his shop on October 29, 1997. Katt advised that he recalled the vehicle and the occupants as four "strange guys". The vehicle was repaired and it appeared to him that the four individuals put up all the money they had between them to pay the bill in cash. Katt then reviewed his files without locating any repair order for the vehicle. He advised that he files by name and searched the following names without locating a receipt: [REDACTED]

[REDACTED] The van has been determined to be registered to [REDACTED] Katt could provide no further information of value.

291-MW-36601-100

JSH:CAL

1

On December 12, 1997, Special Agent (SA) JEFFREY S. HILL spoke with Captain Dave Adams, Sheboygan County Sheriff's Office, regarding the status of the red Geo Metro operated by PETER YOUNG and JUSTIN SAMUEL. Captain Adams advised that no one had come to Sheboygan to pick up or claim the vehicle and it was still in the impound lot. Captain Adams advised that he would contact SA HILL if someone attempted to claim the vehicle.

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0192

On October 28, 1997, Special Agent (SA) THOMAS R. MARTIN conducted the following investigation in Kewaunee and Manitowoc Counties, Wisconsin:

JIM LANGER, Norman Road, Norman, Wisconsin, was contacted and he advised that he and his brother own a mink farm at that location. LANGER stated that his farm has approximately 20,000 animals and a total loss could be as much as \$1,000,000.

LANGER advised that at approximately 12:30 p.m., on Monday, October 27, 1997, he observed a red GEO Metro driving by his farm. When the vehicle passed his farm a second time he was able to determine that it had a Washington State license plate of 560DG0. LANGER observed two white males, possibly college age. LANGER could make no further identification.

LANGER can be reached at telephone number (920) 776-1207.

KURT WIEBENSOHN, Mishicot, Wisconsin, advised that he is one of the owners of Sandy Bay Fur Farm. WIEBENSOHN stated that among other things his farm raises mink. WIEBENSOHN has approximately 30,000 animals, which he values at between 2.5 and 3 million dollars.

WIEBENSOHN advised that at approximately 1:10 p.m. on Monday, October 27, 1997, he observed a small red compact type car on Sanz Road, which runs in front of his farm. WIEBENSOHN observed two young white males in this vehicle but could provide no additional identification on the car or the individuals.

WIEBENSOHN had been alerted to this vehicle by a fellow mink farmer, JIM LANGER, who had seen this vehicle earlier in the day. WIEBENSOHN also knew that this vehicle may have been involved in the release of animals on farms in other areas of Wisconsin a few days prior by animal activists.

WIEBENSOHN can be reached at 1-800-999-2834.

GARY YAUGER, 2902 Highway 310, Two Rivers, Wisconsin, advised that he is the owner of a mink farm at that location. YAUGER has approximately 13,000 animals which he values at between \$250,000 to \$300,000.

YAUGER advised that at approximately 2:00 p.m. on Sunday, October 26, 1997, he observed a small red car parked in his driveway for almost ten minutes. This was not completely



unusual so he did not obtain any further identification of the car or its occupants.

YAUGER further stated that it was not until later that night and the next day that he learned of the mink releases in western Wisconsin and the suspect red car. It was at this time that YAUGER started to think that the car he saw on Sunday may be related to the previous incident.

YAUGER stated that he could be reached at telephone number (920) 793-2545.

The Sheriff's Departments in Kewaunee, Manitowoc and Sheboygan counties were alerted to the possibility of problems at mink farms in their respective counties.



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/3/97

Pursuant to the issuance of a search warrant in Sheboygan County, Wisconsin, Circuit Court, Special Agent (SA) KATHERINE W. SCHWEIT, and Special Agent (SA) JAMES L. DIETZ, observed the search of a red 1991 GEO Metro, bearing Washington licence plate number 560DGO, Vehicle Identification Number (VIN) 2C1MR2466M6751230, at a Sheboygan County shed at Cascade, Wisconsin. The search of the vehicle was conducted by the following Sheboygan County Sheriff's Office officials: Detective KONRAD KACZKOWSKI, Detective R.W. SHIELD, and Deputy SETH FULLER.

Upon conclusion of the search, items of evidence were transported via Sheriff's Department vehicles to the Sheboygan County Sheriff's Department.

Attached hereto are a copy of the affidavit, search warrant for the vehicle, the return containing the inventory of items seized, as well as an inventory of items which were returned to the vehicle prior to the vehicle being resealed. Also, attached hereto is an affidavit, search warrant for an AT&T Numeric Pager and return dated October 30, 1997.

The pager was retained for possible evidentiary value by the Sheboygan County Sheriff's Department.

On October 31, 1997, items listed in the attached inventory were turned over to the above agents, transported to the Milwaukee, Wisconsin, Federal Bureau of Investigation Office (FBI), and retained for possible evidentiary value.

Investigation on 10/29-31/97 at Sheboygan, Wisconsin

File # 291-MW-36601-97 Date dictated 11/3/97

by SAs KATHERINE W. SCHWEIT and  
JAMES L. DIETZ/JLD:plb

# SEARCH WARRANT

THE STATE OF WISCONSIN to the Sheriff, Policeman, or any Constable of said county:

WHEREAS, a sworn Affidavit has this day been presented to the Circuit Court Commissioner for the County of Sheboygan, State of Wisconsin, showing probable cause, therefore, that on the 29th day of October, 1997, in the County of Sheboygan, State of Wisconsin, there is now located and concealed in and upon a certain motor vehicle listed to Allison Portax, presently impounded at the Cascade shed, in the County of Sheboygan, State of Wisconsin, and more specifically described as follows: a red, GEO Metro, bearing Washington registration 560-GDO, two-door vehicle with a hatchback, various goods, chattels, and property, to wit: wire cutters, dark clothing, surveillance pictures or photos of fur farms, diagrams or maps, al rights activists literature, credit card receipts and evidence of travel to Trempealeau County, target lists and lists of addresses of fur farms, soil samples from mud boots and shoes to be used to compare with soil samples from the Trempealeau County farm area, address books and contact numbers, as well as a book entitled "The Rise of Fascism", and other evidence of crimes in violation of section 943.75 of the Wisconsin Statutes.

NOW, THEREFORE, in the name of the State of Wisconsin, you, Deputy Seth Fuller, are commanded forthwith to search the motor vehicle for the property aforesaid, and if the same or any portion thereof should be found, to bring the same and the person in whose possession the same shall be found, and return this warrant within forty-eight hours, before the said

SHERIFF'S DEPT.

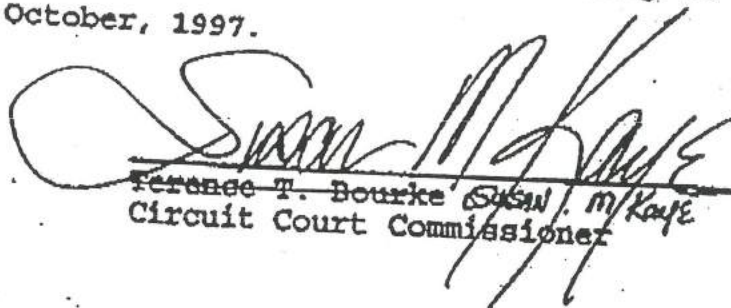
EXHIBIT 2

U.S. v. Samuel  
0076

SCF-1286

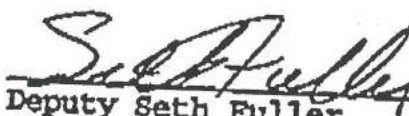
Clerk of Courts in Sheboygan County, to be dealt with according to law.

Dated this 29th day of October, 1997.

  
Terence T. Bourke  
Circuit Court Commissioner

ENDORSEMENT OF OFFICER:

Received by me this 29th day of October, 1997,  
at 1:05 P.M.

  
Deputy Seth Fuller  
Sheboygan County Sheriff's Department

U.S. v. Samuel  
0077



SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT

Sheboygan, Wisconsin

EVIDENCE 2516

Cpl. No. 97-16381

Place Evidence found BLK BAG BACK SEAT

RCD GEO METRO

Evidence Description FLASHLIGHT ORDER PAPER

MERCER ISLAND, DARY

Date & time of recovery 10/29/97 1644 HRS

Victim

Offense

Suspect

Evidence recovered by

K. J. Hunko D.I.D.

SIGNATURE, RANK

CHAIN OF POSSESSION ON REVERSE SIDE

U.S. v. Samuel  
0198



IN THE MATTER OF THE APPLICATION  
FOR A SEARCH WARRANT OF:

**AFFIDAVIT**

A red, GEO Metro, bearing Washington registration 560-GDO, two-door vehicle with a hatchback.

STATE OF WISCONSIN) ) SS  
SHEBOYGAN COUNTY ) )

Deputy Seth Fuller, being first duly sworn on oath, deposes and says on information and belief:

That he is a deputy with the Sheboygan County Sheriff's Department and pursuant to said occupation, on October 28, 1997, at approximately 15 p.m., he was contacted by one Linda Zimbal of 6020 Wilson-Lima Road, Oostburg. She indicated she had seen a 1991 GEO Metro, red in color, Washington registration plate 560-GDO from her residence westbound on Wilson-Lima Road. Ms. Zimbal is a mink farm owner and had received information to be concerned about said vehicle so she followed said vehicle, which proceeded westbound on Wilson-Lima Road to County Trunk Highway A northbound, then turned east onto Abraham Court, eastbound, and pulled over onto the side of Abraham Court. She then observed the vehicle. She said she observed the vehicle park for three to four minutes and it looked to her that the passenger was looking at a map. Abraham Court is a dead-end road and on that road is a mink farm, the Zimbal Mink Ranch. She said the position the vehicle was parked in was such that they could easily see the mink ranch. The vehicle, after stopping for three to four minutes, then turned around and she followed it into the Village of Oostburg.

I made contact with the vehicle in the Village of Oostburg. The vehicle was a 1991n GEO Metro, red in color, Washington registration 560-GDO. The driver of the vehicle was Peter Daniel Young, d.o.b. 6-26-77, who claimed to reside at 2760 - 76th Avenue SE, Mercer Island, in the state of Washington. The passenger was identified as Justin Clayton Samuel, d.o.b. 12-31-78, residing at 20320 - 10th Place SE, in Snohomi, in the state of Washington. When I made contact with the vehicle, it was parked in an alley behind Daane Hardware in the Village of Oostburg. As I approached the vehicle, the male passenger appeared to be looking at a map but quickly stuffed the map into a glove box area in the vehicle. When I contacted Young, I asked him where he was coming from and he stated the state of Washington and I asked him where he was going and he said Florida. When I asked him what he was doing in the area, he said he was just driving rough. When I asked him if he was on Abraham Court, he denied being there. I had told him there had been a teletype of attempt to locate that vehicle concerning activity involving mink ranching in Trempealeau County and Young indicated he had no idea what that would be about. Young was wearing outdoors type clothes, tan or brown, had extremely short hair, and a darker colored, hooded, sweatshirt-type jacket on.

I then contacted Samuel who indicated that he was coming from the state of Washington going to the east coast, specifically, Florida, and when asked what he was doing in the area, he said he was just passing through and he denied being on Abraham Court. In looking through the windows and open driver's side window of the vehicle, I observed some pieces of clothing, all of which appeared to be dark in color, except for a pair of boxer shorts. There appeared to be two sleeping bags in the rear at and in the trunk area, which was a windowed hatchback was a supply of food including oatmeal and dried oats. In an open glove box compartment



was a crumpled map of what appeared to be Wisconsin and the front page to a map, unknown if it was the same one, stated "Southeastern Wisconsin" and the price was \$5.00. It appeared to be a very detailed map of the southeastern portion of Wisconsin. The vehicle was seized pending Search Warrants.

I received a teletype from Trempealeau County Sheriff's Department. Said teletype is an official report of Detective Ron Corcoran of the Trempealeau County Sheriff's Department. Said document indicates that on October 23, 1997, at approximately 10:00 p.m., while off-duty, Detective Corcoran was at the Budget Mart in the City of Galesville, County of Trempealeau, State of Wisconsin. Prior to entering, he had observed in the parking lot a GEO Metro, Washington license plate 560-GDO. Walking past the vehicle, he had noted that it contained sleeping bags and other othing inside of it. He indicated it was quite messy. When he entered, he had seen only booths occupied, one by an individual Detective Corcoran knew, the other by two young, white males, approximately 21 and 23 years of age, hair cut very close to the scalp or their hair had recently been shaved and showed new regrowth. The two individuals I had stopped are similar in description. He indicated they had dark brown or black hair, 5'10" tall and appeared to weigh approximately 150 pounds. One of the males had glasses. When I pulled the vehicle over, Young was wearing a pair of glasses and they both fit the description Detective Corcoran indicated. He observed laying in the booth next to one of the parties a book entitled "The Rise of Fascism". Detective Corcoran made contact with them and they both indicated they were from the state of Washington, that they were not college students, they were on a trip to visit friends, and ey were on their way to the Green Bay/Sheboygan area, possibly heading to Virginia and onto Florida. They asked directions on how to get there and

when they indicated they wanted to take back roads, Detective Corcoran asked them why they did not want to take the Interstate, they indicated they liked the scenery. Detective Corcoran indicated that it was at night and they wouldn't be able to see much scenery. At approximately 10:35 p.m., the two subjects got up from the booth, entered the vehicle and left the area.

Trempealeau County further indicates that on October 25, 1997, a Ray Smieja of Independence, reported that somebody cut the fence on the west side of their mink barn, entered the mink barn and released certain minks. Approximately 352 female minks were released and 352 male minks were released. On today's date, October 29, 1997, I made phone contact with a Sergeant at the Trempealeau County Sheriff's Department, he advised that there were approximately 100 mink that had not been recaptured. Section 3.75 of the Wisconsin Statutes makes it a crime to intentionally release an animal that is lawfully confined for farming purposes without the consent of the owner. Mr. Smieja had indicated to Trempealeau County authorities that they had not given anyone permission to release these minks. They informed the officer that they had been notified by a mink organization concerning a group known as the "Animal Liberation Front" or "ALF". He indicated it was a militant underground animal rights group, going to various states, releasing animals from mink farms. The Smiejias indicated that the release took place between October 24, 1997, at 4:30 p.m. and October 25, 1997, at 6:00 a.m.

Trempealeau County also provided, via this teletype, information they had received from FBI Agent Jeff Hill of LaCrosse, Wisconsin. Jeff Hill indicates in documentation that Peter Daniel Young, d.o.b. 6-26-77, in the State of Wisconsin, was arrested in Mercer Island, Washington, for trespass to a condemned house. At that time, found on him were Animal Liberation



Front literature and bolt cutters. Further, that Justin Samuel, d.o.b. -31-78, of Mercer Island, Washington, was arrested with him on August 30, 1997, for trespass to a condemned building and also had ALF literature and bolt cutters with him. When I ran the license plate of the vehicle that I had found Samuel in, it was registered to one Allison Porter of Seattle, Washington. The FBI literature indicates that she also had been arrested on August 30, 1997, with the other two individuals for trespass to a condemned house and ALF literature was found on her also. The Trempealeau County reports concerning the entry to the Smieja mink ranch indicates wires had been cut in order to obtain access to the minks. Agent Hill indicates that he had had contact with Detective Alan Lady of Mercer Island Police. They had informed Agent Hill that when these individuals had been arrested on August 30, 1997, for criminal trespass, and on them was a vial of Acepromazine Maleate, an animal tranquilizer. Some of the documentation concerning ALF included a book entitled "Free the Animals".

The vehicle in impound is described as a red, GEO Metro, bearing Washington registration 560-GDO, two-door vehicle with a hatchback, presently in the impound at the Cascade shed.


Said Affidavit is made in support of a Search Warrant authorizing myself and other members of the Sheboygan County Sheriff's Department and the FBI to enter said vehicle to search for evidence of violations of section 943.75 of the Wisconsin Statutes, including wire cutters, dark clothing, surveillance pictures or photos of fur farms, diagrams or maps, animal rights activists literature, credit card receipts and evidence of travel to Trempealeau County, target lists and lists of addresses of fur farms, soil samples from mud boots and shoes to be used to compare with soil samples from the Trempealeau County farm area, address books and

contact numbers. When I had looked into the vehicle, I had noted the book  
hat Detective Corcoran had noted, specifically, the book "The Rise of  
Fascism".



Deputy Seth Fuller  
Sheboygan County Sheriff's Department

Subscribed and sworn to before me  
this 29th day of October, 1997.

  
Notary Public, Sheboygan Co., WI.  
My commission: is permanent.

# SEARCH WARRANT

THE STATE OF WISCONSIN to the Sheriff, Policeman, or any Constable of said county:

WHEREAS, a sworn Affidavit has this day been presented to the Circuit Court Commissioner for the County of Sheboygan, State of Wisconsin, showing probable cause, therefore, that on the 29th day of October, 1997, in the County of Sheboygan, State of Wisconsin, there is now located and concealed in and upon a certain motor vehicle listed to [REDACTED] presently impounded at the Cascade shed, in the County of Sheboygan, State of Wisconsin, and more specifically described as follows: a red, GEO Metro, bearing Washington registration 560-GDO, two-door vehicle with a hatchback, various goods, chattels, and property, to wit: wire cutters, dark

thing, surveillance pictures or photos of fur farms, diagrams or maps, animal rights activists literature, credit card receipts and evidence of travel to Trempealeau County, target lists and lists of addresses of fur farms, soil samples from mud boots and shoes to be used to compare with soil samples from the Trempealeau County farm area, address books and contact numbers, as well as a book entitled "The Rise of Fascism", and other evidence of crimes in violation of section 943.75 of the Wisconsin Statutes.

NOW, THEREFORE, in the name of the State of Wisconsin, you, Deputy Seth Fuller, are commanded forthwith to search the motor vehicle for the property aforesaid, and if the same or any portion thereof should be found, to bring the same and the person in whose possession the same shall be found, and return this warrant within forty-eight hours, before the said

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## SHERIFF'S DEPT.

EXHIBIT 2

SCF-1286



RETURN OF SEARCH WARRANT re: [REDACTED]

red GEO Metro, Washington registration  
Incident No: 97-16831 580-G

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

I hereby certify that by virtue of the attached warrant, I searched the within named premises and found the following property:

Skateboard magazine with address label Alex Smith, P.O. Box 2477, Friday Harbor, Washington

Magazine page, handwritten phone number 392-6536

Sales Slip Barnes & Noble, Omaha, Nebraska, date 10-19-97

Receipt from Mercer Island Public Safety

Receipt to Justin Samuel

List of Fur farms

An envelope with ALF Action update

Wisconsin State Patrol warning to Peter Daniel Young, dated 10-25-97, Hwy 37 at Clairmont Ave., Eau Claire, WI

Seized piece of paper with phone #510-848-8724 and having direction concerning Eureka, California

Partial page of a phone book with Medford community map

Photocopy of city map of Rochester, Minnesota

Papers relating to the purchase of a red GEO Metro

Maps, Wisconsin State Map, Southwest Wisconsin Road Map, Fox Cities Map, Minnesota

State Map, Florida State Map, Rand McNally United States Map, Eau Claire Area Map Northeast Wisconsin Map, Door County Map, Sheboygan County Map, Atlas Book of the United States

and have the same now in my possession subject to the direction of the Circuit Court.

Dated this 30<sup>th</sup> day of Oct, 1997 at 10:35 A.M.

**SHERIFF'S DEPT.**

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*S. B. Fuller*  
Police Officer - Deputy Sheriff

*SSD*

Department



RETURN OF SEARCH WARRANT re: [REDACTED]

red GEO Metro Washington registration  
Incident No: 97 16831 980.

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

I hereby certify that by virtue of the attached warrant, I searched the within named premises and found the following property:

Checkbook with the name Justin C. Samuel, Washington Mutual Bank

Multi gadget ~~tool~~ <sup>KK</sup> TOOL

Swiss Army knife

Adjustable headlamp

Bushnell binoculars

Black hood

Black hooded sweatshirt

Black ski pants

Blue jump suit

2 Bolt cutters

Black gloves

Pair of black Pony tennis shoes

Pair of Nike tennis shoes

Blue ski pants

Blue hooded sweatshirt

Blue jump suit

Pair of gold colored gloves

and have the same now in my possession subject to the direction of the Circuit Court.

Dated this 30<sup>th</sup> day of OCT, 1997 at 10:35 A.M.

*S. J. Full*

Police Officer - Deputy Sheriff

SSD

Department

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## RETURN OF SEARCH WARRANT re: [REDACTED]

red GEO Metro, Washington registration  
Incident No: 97-16831 980

STATE OF WISCONSIN

SHEBOYGAN COUNTY

CIRCUIT COURT

I hereby certify that by virtue of the attached warrant, I searched the within named premises and found the following property:

Long underwear bottom

Red T-shirt with inscription Straight Edge

White T-shirt imprinted Straight Edge with three X's under the word Straight Edge

Black Nike tennis shoes, duct tape on the bottoms

Black pants

Brown pants

Grey Gloves

Flashlight

Order of Recoupment of Mercer Island, Washington

Diary

Mag light

White envelope containing computer paper concerning credit reports on Fur Farms

Papers with Fur Farm names and addresses

Micro-soft temporary agency ID tag

Papers identifying Justin Samuel

Channel lock pliers

Two maps

and have the same now in my possession subject to the direction of the Circuit Court.

Dated this 30<sup>th</sup> day of OCT, 19 97 at 10:35 <sup>SE</sup> A.M.

S. J. Fuller  
Police Officer - Deputy Sheriff

SSD

Department

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SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT

Kaczkowski/82/no

97016381

SEARCH WARRANT

On 10-29-97 myself and Det. Shield and Dep. Fuller executed a search warrant on a 1991 GEO Metro, red in color, bearing Washington registration 560-DGO at the Cascade Shed. The search began by photographs of the vehicle and at approx. 1415 hours, an evidence seal was broken to gain entry to the vehicle in order for more photographs to be taken. The following is an inventory of the contents of the vehicle. There is a separate return of search warrant regarding the items that were seized from the vehicle. These items now mentioned were returned to the vehicle.  
1421 hours -

Econo Shopping bag, imprinted on the bag 858 Service  
Road, Winona, Minnesota/1200 SW 16th St., Rochester,  
Minnesota;

2 Skateboard magazines;  
Blue Bowl and spoon;  
Plastic drinking cup;  
Bag of Muesli;  
Carys Maple Syrup;  
Peanut Butter;  
Peppermint tea bags;  
Barnes & Noble bag;  
Plastic spoon and fork;  
Mesh bag with 5 disposable razors, 2 toothbrushes, 2 natural  
deodorants and toothpaste;

1427 hours -

Blue plastic milk crate containing Quaker Oats;  
2 Cans of Refried beans;

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Tupperware container with unknown food inside;  
Pace salsa;  
Tomato;  
Box of Couscous;  
Box of Taboule;  
Can of corn;  
Box of tea;  
Can opener;  
Container of Cumin;  
2 Avocados;  
5 oranges.  
1431 hours -  
1 Electrical hair trimmer;  
25 Channel cordless telephone.  
1432 hours -  
Red nylon bag brand name Novell;  
42 skateboard magazines.  
1446 hours -  
Trader Joe's paperbag with 8 bags of Muesil and a can of refried  
beans.  
1448 hours -  
Spiral notebook;  
Map of Santa Cruz;  
Book entitled "Where the Domino Fell" book purchased EVCC  
BookStore;  
California Map;  
Napa & Sonoma County Map;  
Box of tea;  
Book entitled "Two Birds on One Tree";

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Book entitled "Catch 22";  
Illinois map;  
Sony cassette recorder (no tape);  
8 pack Duracel batteries;  
Tupperware container with an onion inside of it;  
3 quart of Quaker State oil;  
Empty bag of Noah's Bagels of New York;  
3 Empty boxes of Krisp Rice Cereal, #0093, distributed by USDA;  
Box of Taboule;  
Box of Couscous;  
Box of Barley Pilaf;  
Bag of Pita pockets;  
Red can containing coins from Canada, Mexico, Israel,  
Netherlands, and one Amusement coin;  
2 Bungee Cords, black strap, body alarm, 2 spools of black  
thread, sewing kit from Mariott Hotel;  
Master Lock and Key;  
Loose Electrical connector and crimper;  
Laundry detergent;  
2 packages of auto fuses;  
Black marking pen;  
2 packs of batteries;  
Roll of black tape and roll of white tape;  
Toggle switch assembly;  
Black wire.  
1520 hours -  
Cardboard box containing boxer shorts;  
White towel;  
Box of Soy drink;

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2 Boxes of Rice Dream;  
Pita pockets;  
Carrots;  
Bagels;  
Fruit Salsa;  
Barley Pilaf;  
8 pack of AA batteries;  
Tin of Tea;  
Peanut butter;  
Garbanzo beans;  
Refried beans;  
Bag with garlic powder;  
Tabasco sauce;  
Fruit Salsa;  
can opener;  
metal fork & knife;  
toothbrush.  
1524 hours -  
Refried beans;  
empty gas can;  
Book on Gahndi;  
Bag of Bagels;  
Sony headphones;  
Star wrench.

Please note that all above items were found in the back portion of the red GEO Metro.

The next items were located in a green REI back pack, located on the front seat at 1600 hours.

Radio Shack cassette player;

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Sony headphones;

GPX headphones;

2 8-packs AA Batteries;

Keyholder;

Blue rainsuit;

Carrier for a bicycle;

Sony micro cassette recorder with 8 tapes, brand new in its  
bubble pack;

Compass in its bubble pack;

Coins.

1617 hours -

Red box containing audio tapes and a purple bag containing  
audio tapes found on the rear seat.

1620 hours -

Blue bag on the rear seat containing socks, Khaki shorts,  
blue rain coat, black rain coat;

2 sleeping bags.

1633 hours -

Located in a blue pack in the back seat, a white shirt, plaid  
shirt, white polo shirt, khaki pants; 4 pair of boxer  
shorts, 3 ½ pairs of socks.

1644 hours -

Found in a black back pack, an AC Adaptor;

8 CDS (compact disks);

3 Empty cassettes;

Book entitled "America's Scholar";

Book entitled "Ten Things Jesus Wants to Know";

Book entitled "Come Bus";

Book entitled "Radicals";

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Book entitled "Back to Eden";

Book entitled "San Juan Islands";

Book entitled "New Look at Life on Earth";

Book entitled "City of Quartz";

Keys;

Sewing kit;

Razor;

Book Entitled "People Shapers";

Book entitled "Disappearance of Childhood";

Book Entitled "Overworked American";

Small canister, indicating it was Mace.

1712 hours -

Found loose on the back seat, a book entitled "Transcendence of Ego";

Book entitled "Meaning of Star Trek";

Book entitled "Mister Scott's Guide to the Enterprise";

Book entitled "Star Wars Imperial Source Book";

A record, 33 1/3, Tommy Boy Sole Source.

1740 hours -

Found on the front dash of the vehicle, plastic card, a

Washington Mutual check card, #4046485346379010, VISA;

Great West Intermec Corporation Health Plan, plan #050434,

written on the back, [REDACTED] DOB 3-1-47;

Great West Health care card, #57030757546780807, name Robert

Samuel on it;

Spree pre-paid phone card #1-800-946-3590, card #4336035154;

Business card Fraser Auto Sales, David Lee, 8715 Aurora, North  
Seattle, Washington, 8601 Aurora, North Seattle, Washington,

phone #522-3220 and #522-5161, and voice mail #972-6571;



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Barnes & Noble receipt, store #1944, San Jose, California 92097;  
\$7.44 in the ashtray.

The vehicle was resecured with these items at 1810 hours.

\_\_\_\_Person Forms\_\_\_\_Article Forms \_\_\_\_Vehicle Forms

Date:\_\_\_\_Supervisor's Signature:\_\_\_\_\_

PSS CODE:

**SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT****Fuller-204/D/r****970016831****IMPOUND OF VEHICLE**

On 10/28/97 at approximately 1415 hours I, Deputy Fuller was advised via the radio that a subject calling on a cell phone was behind a vehicle that I had received information about at the start of my shift that may be involved in release of mink from mink ranches. The vehicle was described as a 1991 GEO Metro red in color, bearing Washington registration plate 560-GDO. There was also an attempt to locate on this vehicle for the FBI who wanted the vehicle stopped and the occupants I.D.'d. This vehicle was ultimately located and the vehicle was impounded pending an application for a search warrant of the vehicle.

The driver of the vehicle was later identified as a Peter Daniel Young, M/W, DOB 6/26/77, believed to reside at 2760 76th Ave. SE, Mercer Island, WA., home phone number unknown. The passenger and only other occupant was later identified as Justin Clayton Samuel, M/W, DOB 12/31/78, believed to reside at 20320 10th Pl. SE, Snohomi, WA., home phone unknown.

The caller later identified as Linda S. Zimbal, F/W, DOB 5/20/58, residing at 6020 Wilson-Lima Rd., Oostburg, 564-2118 advised the dispatchers that she had observed the Metro on Abraham Ct. at the end

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of which is a mink ranch run by Zimbal and other members. Zimbal had received information via other mink ranchers that the Metro in question had been seen in the vicinity of several other mink ranches in the state, some of which had incidents of mink releases at nearly the same time the Metro was seen.

I was then given Zimbal's cellular phone number and I called her while I was en route to Oostburg which she said was the Metro's last direction of travel southbound on CTH A. Zimbal and I maintained phone contact until I contacted Young and Samuel.

Zimbal said she followed the vehicle as it entered the Village of Oostburg and ultimately pulled into the Wykhuis Foods parking lot where it parked by a dumpster and the driver later identified as Young exited and started rummaging through the dumpster retrieving some yellow tennis ball shaped objects which later were determined to be apples and re-entered the vehicle. They then parked in an alley between Daane Hardware which is located at 926 Center Ave. in Oostburg and the Deli immediately to the east of Daane Hardware.

Zimbal said that the male passenger appeared to be looking at a map. Shortly thereafter myself, Deputy Nelson, Trooper Reese and State Patrol Inspector Wright arrived. I made contact with Young and asked him for identification. Young was seated in the drivers seat of

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the Metro with Samuel sitting in the passenger seat. As I approached I observed him stuff what appeared to be a map in the glove box area of the vehicle. Young said his drivers license was underneath the seat and I asked him to exit the vehicle. Young did do so asking what was going on. I told Young that I did not feel comfortable by allowing him to reach under the seat, as for officer's safety reasons I did not know if he had some type of weapon underneath the seat. I asked Young if I could reach underneath the seat and grab his billfold and he allowed me to do so.

Young produced a Washington photo drivers license from his wallet. At this point Inspector Wright had Samuel exit the vehicle and was standing with him at the back of the Metro. I took Young aside where I could speak with him separated from Samuel. I asked Young where he was coming from and he stated Washington. I asked him where he was going to and he said Florida. I asked Young what he was doing in the area and he said they were just driving through. I told Young that we had a witness who said he had been on Abraham Ct. and he denied being there. I asked Young what he had been doing in the dumpster and he said he had been looking for food, that they are hungry and did not have much food. I explained to Young that another law enforcement agency had put out an attempt to locate on the Metro



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he was driving and asked that the person be identified and that it was related to some type of activity involving mink ranching. Young made a comment to the effect that he had no idea what that would be about. Young was wearing clothes that I would describe as outdoors type of clothing. They were tan or brown and did not appear to be of blue jean material. Young had an extremely short haircut and also had a darker colored hooded sweatshirt type jacket on.

I then spoke with Samuel who advised that he did not have any identification on his person but it was in a backpack in the vehicle.

I asked Samuel where they were coming from and he said Washington. I asked him where he was going to and he said the east coast. When I asked him for a more specific destination he said Florida. I asked Samuel what they had been doing in this area and he said just passing through. He also denied being on Abraham Ct. Not once did either one of them say anything to the fact that they had never heard of Abraham Ct. or had no idea where it is.

Samuel was then asked to step to Trooper Reese's car where he verbally identified himself to Reese in front of Trooper Reese's squad video camera. He then returned to my location which was alongside the Metro. At this point Samuel's duffelbag was on the hood.

I advised Samuel that I did not feel comfortable for officer's

**SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT****Fuller-204/D/r****970016831**

safety reasons of allowing him to open the backpack and pull his wallet out, as I did not know if it contained any weapons. I asked Samuel if I could open up his backpack and retrieve his I.D. or wallet and he said no. I asked him again indicating that I would like to see some type of identification and he again refused. I spoke with Samuel for a few more seconds at which point he looked over at Young and then stopped talking completely and refused to respond verbally to any questions including when I asked him what his current address was. Young's backpack was ultimately returned to the vehicle without being opened.

I then had some phone conversations including one with an FBI agent out of the Lacrosse Office named Jeff Hill, who had some knowledge reference this incident. I explained to him the information I had and the circumstances and Mr. Hill advised he would be contacting Trempeleau County officials where the Metro had been seen recently and would recontact our department with any information concerning any possible charges.

I then spoke with Zimbal as I wanted to get more information from her as to what she had observed. Zimbal said she was inside her residence when she observed the Metro westbound on Wilson-Lima Rd. She then got into her car to follow it. The Metro proceeded

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northbound on CTH A and turned east onto Abraham Ct. The Metro continued eastbound while she pulled over onto the side of Abraham Ct. and watched the vehicle as it drove forward for some distance and then stopped. It was stopped along the shoulder of the road for approximately 1 minute at which point she was able to observe the passenger looking at what appeared to be a map. According to Zimbal the only property passed the one other house which is at the intersection of CTH A and Abraham Ct. would be the Mink ranch property. Zimbal said that they were in a position that they could easily have seen the Mink ranch. The vehicle then turned around and she followed it into Oostburg where I ultimately made contact with the occupants.

I also had phone conversations with Capt. Rakow and Lt. Bruckbauer regarding this incident and the current status.

In looking through the windows and open drivers side window of the vehicle, I could observe some pieces of clothing, all of which were dark in color except for two pairs of boxer shorts. Also there appeared to be two sleeping bags in the rear seat and in a trunk area which was a windowed hatchback, was a supply of food including oatmeal or dried oats. In the open glove compartment was a crumpled map of what appeared to be Wisconsin and the front page to a map, unknown if



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it was the same one, stating southeastern Wisconsin. The price was \$5 and by looking at the index it appeared to be a very detailed map of the southeastern portion of Wisconsin. There were also several bags containing what appeared to be magazines, but I was unable to determine the title or publisher of any of these by looking through the window. There was also a large paper bag which had a hole at one end which also appeared to contain dark colored clothing. While looking at the contents it appears that the subjects are basically living out of their vehicle.

Ultimately I was advised by Lt. Bruckbauer to ask Young for consent search of his vehicle and if he refused the consent, to then advise him that the vehicle was going to be seized and an application for a Search Warrant of the vehicle. I asked Young if he would give us consent to search his vehicle and he said no. I then advised him we would be impounding his vehicle and applying for a Search Warrant. I told Young that if he needed any personal item out of the vehicle he could remove it however I would first have to inspect it and it may be subject to possible search with a search warrant if I felt it had some evidentiary value.

I then advised the same to Samuel who asked if he could have his wallet. I told Samuel he could but under the condition that I be



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allowed to search it and anything that I found in there that I felt may be of evidentiary value, would be returned to the car in the event we were able to obtain a Search Warrant. Samuel said that would be okay and I then also advised him that I would have to be the one to remove his wallet from the backpack. I removed Samuel's backpack from the car and put it on the hood of the Metro. There appeared to be several different compartments to the backpack and I asked Samuel which one it was in and he pointed to the top one. I started to grab the zipper and he said I do not want you to search it. I advised him that I would only be opening it to remove his wallet and if he did not like that option I would return the backpack to the Metro unopened. Samuel then made some statement to the fact allowing me to open it and retrieve his wallet. I then partially opened the top compartment and pointed to a black item which appeared to possibly be a wallet and he said that was not it, it was further down. To do this I had to open it up further at which point he pointed to a black wallet which I immediately removed and closed the compartment. There was also in this compartment what appeared to be some type of black clothing or fabric, however I was not able to determine what exactly it was as once I had observed the wallet, I immediately closed the compartment.

I then removed all of the contents of Samuel's wallet and

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retained several papers and cards with phone numbers on it as well as a credit card and some medical cards. I returned to Samuel his drivers license, his wallet containing approximately \$86 in cash. The paperwork that I removed was put on the dash board of the vehicle as I did not want to re-open the backpack. The backpack was placed in the front seat of the vehicle.

Both Samuel and Young were offered rides to the Sheriff's Department or another location, and they did accept the offer for the ride and they were ultimately transported to the McDonald's/Mini-mart on STH 28 and I-43 by Trooper Reese.

Carlton's Automotive was called for the impound tow. Prior to Samuel and Young leaving I gave Young my business card advising him he could contact the Sheriff's Department whenever he wanted to as to the status of his vehicle, but that there was no longer time today to apply for the search warrant so it would be tomorrow, 10/29/97. Carlton Automotive arrived and hooked up to the vehicle. The vehicle was then transported by Carlton to the Cascade Shed where it was secured with evidence tape and an evidence tag was placed on it. I did follow Carlton directly to the Cascade Shed and it did not leave my sight until evidence tape had been applied on all doors and the

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hood with my initials and the complaint number placed on each strip of evidence tape.

3 Person Forms 1 Vehicle Forms \_\_\_\_\_ Property Forms

Date: 10-31-07 Supervisor's Signature TM

PSS Code: 513060



MY NAME IS Linda S. Zimbal, I AM 39 YEARS OF AGE, AND VBORN 5-20-58 IN Sheboygan WI  
(MONTH DAY YEAR) (CITY) (STATE)

I AM (MARRIED), (SINGLE), AND NOW RESIDE AT

6020 Wilson Lima Rd Oostburg WI  
(STREET) (CITY) (STATE)I, Linda Zimbal, MAKE THE FOLLOWING VOLUNTARY STATEMENTOFFICER S. FULLER, WHO HAS IDENTIFIED HIMSELF TO ME AS A MEMBER OF 1  
SHEBOYGAN COUNTY SHERIFF'S DEPARTMENT. NO THREATS OR PROMISES HAVE BEEN MADE TO ME  
CAUSE ME TO MAKE THIS STATEMENT AND I DO SO OF MY OWN FREE WILL. I KNOW THAT I DO NOT HAVE  
MAKE A STATEMENT; AND THAT IF I DO MAKE A STATEMENT, IT MAY BE USED AGAINST ME IN A COURT  
LAW. I ALSO HAVE BEEN INFORMED OF MY RIGHT TO CONFER WITH AN ATTORNEY BEFORE MAKING TI  
STATEMENT.

I was washing windows + noticed a red Geo driving slow  
past my house, grabbed my cell phone + got in my van  
+ followed them West on Wilson Lima Rd. I called 911  
+ reported the car which I noticed had Washington plat  
2 people in it + ~~the~~ passenger seemed to be reading a  
map. They then went North on A, then right on Abraham  
Ct heading to our farm, went  $\frac{3}{4}$  of the way down, sat there  
for about 3-4 minutes, did a Y turn back to A then  
went ~~South~~ <sup>by South</sup> North on A then turned East on Wilson Lima, turned  
into the Pauls' driveway, turned around then went ~~North~~ <sup>South</sup>  
on A into Oostburg drove into Wykhuis foods parking lot  
to a dumpster + started going through the garbage, pul  
out 2 bags with what looked like yellow balls, which  
later found out were apples. They sat there for 3-4 min  
going through the garbage then drove to another dumps  
directly behind the grocery store, started to go into the  
but it was empty then drove + parked between the Village  
Deli + Daane Home, where I proceeded to pull up bet  
them + waited for police to arrive. The reason I knew  
this car was something to watch for was that through a  
communication network of milk farmers we were alerted



97-16871

## SUPPLEMENTARY SHEET FOR STATEMENTS

PAGE 2

that a red Geo was reportedly involved in some  
mink farm releases/vandalism this past weekend. This  
car was spotted by a Sheriff deputy in Independence, <sup>Mo</sup>  
where mink had been released Fri Oct 24 in the evening  
hours.

JZ

SCF.

## STATE OF WISCONSIN

**SHEBOYGAN COUNTY**

**CIRCUIT COURT**

IN THE MATTER OF THE APPLICATION  
FOR A SEARCH WARRANT OF:

**AFFIDAVIT**

An ATT Numeric pager, black in color, with no serial number and a liquid crystal display on its top found in a red GEO Metro automobile bearing Washington registration plate number 560-GDO, a door vehicle with a hatchback.

STATE OF WISCONSIN )  
 ) SS  
SHEBOYGAN COUNTY )

Deputy Seth Fuller, being first duly sworn on oath, deposes and says on information and belief:

That he is a deputy with the Sheboygan County Sheriff's Department and pursuant to said occupation, on October 28, 1997, at approximately 2:15 p.m., he was contacted by one Linda Zimbal of 6020 Wilson-Lima Road, Oostburg. She indicated she had seen a 1991 GEO Metro, red in color, Washington registration plate 560-GDO from her residence westbound on Wilson-Lima Road. Ms. Zimbal is a mink farm owner and had received information to be concerned about said vehicle so she followed said vehicle, which proceeded westbound on Wilson-Lima Road to County Trunk Highway A northbound, then turned east onto Abraham Court, eastbound, and pulled over onto the side of Abraham Court. She then observed the vehicle. She said she observed the vehicle park for three to four minutes and it looked to her that the passenger was looking at a map. Abraham Court is a dead-end road and on that road is a mink farm, the Zimbal Mink Ranch. She said the position the vehicle was parked in was such that they could easily see the mink ranch. The vehicle, after stopping for three to four minutes, then turned around and she followed it into the Village of Oostburg.

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I made contact with the vehicle in the Village of Oostburg. The vehicle was a 1991n GEO Metro, red in color, Washington registration 560-GDO. The driver of the vehicle was Peter Daniel Young, d.o.b. 6-26-77, who claimed to reside at 2760 - 76th Avenue SE, Mercer Island, in the state of Washington. The passenger was identified as Justin Clayton Samuel, d.o.b. 12-31-78, residing at 20320 - 10th Place SE, in Snohomish, in the state of Washington. When I made contact with the vehicle, it was parked in an alley behind Daane Hardware in the Village of Oostburg. As I approached the vehicle, the male passenger appeared to be looking at a map but quickly stuffed the map into a glove box area in the vehicle. When I contacted Young, I asked him where he was coming from and he stated the state of Washington and I asked him where he was going and he said Florida. When I asked him what he was doing in the area, he said he was just driving through. When I asked him if he was on Abraham Court, he denied being there. I had told him there had been a teletype of attempt to locate that vehicle concerning activity involving mink ranching in Trempealeau County and Young indicated he had no idea what that would be about. Young was wearing outdoors type clothes, tan or brown, had extremely short hair, and a darker colored, hooded, sweatshirt-type jacket on .

I then contacted Samuel who indicated that he was coming from the state of Washington going to the east coast, specifically, Florida, and when asked what he was doing in the area, he said he was just passing through and he denied being on Abraham Court. In looking through the windows and open driver's side window of the vehicle, I observed some pieces of clothing, all of which appeared to be dark in color, except for a pair of boxer shorts. There appeared to be two sleeping bags in the rear seat and in the trunk area, which was a windowed hatchback was a supply of food including oatmeal and dried oats. In an open glove box compartment

is a crumpled map of what appeared to be Wisconsin and the front page to a map, unknown if it was the same one, stated "Southeastern Wisconsin" and the price was \$5.00. It appeared to be a very detailed map of the southeastern portion of Wisconsin. The vehicle was seized pending Search Warrants.

I received a teletype from Trempealeau County Sheriff's Department. Said teletype is an official report of Detective Ron Corcoran of the Trempealeau County Sheriff's Department. Said document indicates that on October 23, 1997, at approximately 10:00 p.m., while off-duty, Detective Corcoran was at the Budget Mart in the City of Galesville, County of Trempealeau, State of Wisconsin. Prior to entering, he had observed in the parking lot a GEO Metro, Washington license plate 560-GDO. Walking past the vehicle, he had noted that it contained sleeping bags and other clothing inside of it. He indicated it was quite messy. When he entered, he had seen only booths occupied, one by an individual Detective Corcoran knew, the other by two young, white males, approximately 21 and 23 years of age, hair cut very close to the scalp or their hair had recently been shaved and showed new regrowth. The two individuals I had stopped are similar in description. He indicated they had dark brown or black hair, 5'10" tall and appeared to weigh approximately 150 pounds. One of the males had glasses. When I pulled the vehicle over, Young was wearing a pair of glasses and they both fit the description Detective Corcoran indicated. He observed laying in the booth next to one of the parties a book entitled "The Rise of Fascism". Detective Corcoran made contact with them and they both indicated they were from the state of Washington, that they were not college students, they were on a trip to visit friends, and they were on their way to the Green Bay/Sheboygan area, possibly heading to Virginia and onto Florida. They asked directions on how to get there and



When they indicated they wanted to take back roads, Detective Corcoran asked them why they did not want to take the Interstate, they indicated they liked the scenery. Detective Corcoran indicated that it was at night and they wouldn't be able to see much scenery. At approximately 10:35 p.m., the two subjects got up from the booth, entered the vehicle and left the area.

Trempealeau County further indicates that on October 25, 1997, a Ray Smieja of Independence, reported that somebody cut the fence on the west side of their mink barn, entered the mink barn and released certain minks. Approximately 352 female minks were released and 352 male minks were released. On today's date, October 29, 1997, I made phone contact with a Sergeant at the Trempealeau County Sheriff's Department, he advised that there were approximately 100 mink that had not been recaptured. Section 43.75 of the Wisconsin Statutes makes it a crime to intentionally release an animal that is lawfully confined for farming purposes without the consent of the owner. Mr. Smieja had indicated to Trempealeau County authorities that they had not given anyone permission to release these minks. They informed the officer that they had been notified by a mink organization concerning a group known as the "Animal Liberation Front" or "ALF". He indicated it was a militant underground animal rights group, going to various states, releasing animals from mink farms. The Smiejias indicated that the release took place between October 24, 1997, at 4:30 p.m. and October 25, 1997, at 6:00 a.m.

Trempealeau County also provided, via this teletype, information they had received from FBI Agent Jeff Hill of LaCrosse, Wisconsin. Jeff Hill indicates in documentation that Peter Daniel Young, d.o.b. 6-26-77, in the state of Wisconsin, was arrested in Mercer Island, Washington, for trespass to a condemned house. At that time, found on him were Animal Liberation

ront literature and bolt cutters. Further, that Justin Samuel, d.o.b. 12-31-78, of Mercer Island, Washington, was arrested with him on August 30, 1997, for trespass to a condemned building and also had ALF literature and bolt cutters with him. When I ran the license plate of the vehicle that I had found Samuel in, it was registered to one [REDACTED] of Seattle, Washington. The FBI literature indicates that she also had been arrested on August 30, 1997, with the other two individuals for trespass to a condemned house and ALF literature was found on her also. The Trempealeau County reports concerning the entry to the Smieja mink ranch indicates wires had been cut in order to obtain access to the minks. Agent Hill indicates that he had had contact with Detective Alan Lady of Mercer Island Police. They had informed Agent Hill that when these individuals had been arrested on August 30, 1997, for criminal trespass, found on them was a vial of Acepromazine Maleate, an animal tranquilizer. Some of the documentation concerning ALF included a book entitled "Free the Animals".

The vehicle in impound is described as a red, GEO Metro, bearing Washington registration 560-GDO, two-door vehicle with a hatchback, presently in the impound at the Cascade shed.

Based on the above information, your Affiant obtained a Search Warrant from the State of Wisconsin, Circuit Court for Sheboygan County, authorizing himself and other members of the Sheboygan County Sheriff's Department and/or the Federal Bureau of Investigation to enter said vehicle to search for violations of section 943.75 of the Wisconsin Statutes, including wire cutters, dark clothing, surveillance pictures or photos of fur farms, diagrams or maps, animal rights activists literature, credit card receipts and evidence of travel to Trempealeau County, target lists and lists of address of fur farms, soil samples from mud boots and shoes to



used to compare the soil samples from the Trempealeau County farm area, address books and other contact numbers. Your Affiant states that with this warrant, he performed a search of the above described vehicle on October 29, 1997. Numerous items as listed above were recovered from the vehicle, including, inside of a red can in the rear of the vehicle, an ATT Numeric pager, being black in color with no serial number and a liquid crystal display on the top. Your Affiant states that from past training and experience, he knows that within the circuitry of said pagers, numbers are contained and recorded whenever anyone calls into the pager, reflecting the telephone numbers of the originating calls and/or where the calling party is wishing the pager holder to call them back. These numbers would be reflective of the contact numbers sought after and considered to be relevant to the criminal activity and materials that were the subject of the earlier Search Warrant and could be highly vital in this investigation.

Attached hereto and incorporated herein by reference as if set forth herein in full as Exhibit 1, is the Search Warrant Affidavit that led to the previous Search Warrant. Attached hereto and incorporated by reference as Exhibit 2, is the Search Warrant that had previously authorized the search of the GEO. This is the Search Warrant and Search Warrant Affidavit that I used to search the vehicle on October 29, 1997. Also attached hereto and incorporated herein by reference as if set forth herein in full is a two-page document listed as Exhibit 3 that was found during the course of the execution of the Search Warrant. Under the heading "Independence", it has Highway 121. The Smieja farm is located on State Highway 121 in Independence. Further, listed is "Oostburg" with the address of 6020 Wilson-Lima Road which is the address of Linda Zimbal, the owner of the Zimbal Mink Farm. Comments are made next to a number of the addresses that appeared to indicate that they have gone to various communities in

Wisconsin to check out the area. Listed to addresses in Tomahawk are "no found", two addresses in Medford, "nothing", an address for Granton is listed as "Amish confrontation"; an address for Mishicot is "Massive". This would indicate that they are checking the area out potentially for other members of the Animal Liberation Front. The pagers are often used to communicate back and forth to various people. The ATT numerical pager would list other phone numbers that they had been told to contact. This would be relevant to determine other individuals involved in the violation of section 943.75 of the Wisconsin Statutes out of Trempealeau County and also potential conspiracies under federal law.

Your Affiant, therefore, submits this Affidavit in support of a Search Warrant authorizing myself and other members of the Sheboygan County Sheriff's Department and/or Federal Bureau of Investigation to dismantle or otherwise extract these numbers from the said ATT Numeric pager.



Deputy Seth Fuller  
Sheboygan County Sheriff's Department

Subscribed and sworn to before me  
this 30th day of October, 1997.



Notary Public, Sheboygan Co., WI.  
My commission: is permanent.



MLC:dlh

MLC

The following investigation was conducted by Special Agent Mickey Les Carvour:

Investigation identified FLOYD L. ISEBRANDS as the owner and manager of the ISEBRANDS FUR FARM, located at 3221 Queens Avenue, Jewell, Iowa 50130, telephone number (515) 827-5562. The ISEBRANDS FUR FARM is located one mile north and one mile west of Jewell, Iowa.

No listing could be located in the telephone directories for the name RONALD D. JACOBSON or the L AND R MINK RANCH at 3285 370th Street, Story City, Iowa 50248.

Investigation did determine that RONALD D. JACOBSON, formerly doing business as the L AND R MINK RANCH, is no longer in business.

The FASSETT FUR FARM is physically located at 939 North White Fox Road, Webster City, Iowa 50595, and is owned and managed by JIM and TOM FASSETT, with telephone numbers (515) 832-2094 (farm) or (515) 832-5058 (residence). The FASSETT FUR FARM is physically located one mile north of Old Highway 20 north of Webster City, Iowa.

The HILLPIPRE MINK FARM is no longer in business but was managed and owned at one time by CHRIS HILLPIPRE, who currently resides at 136 Parkview Drive, Webster City, Iowa 50595, telephone number (515) 832-2953.

It is noted the address of 136 Parkview Drive, Webster City, Iowa, is in fact a residence and is not located in rural Hamilton County, thus explaining the notation "residence."

The TWILIGHT MINK FARM is physically located at 1395 240th Street (airport road), Webster City, Iowa 50595. Investigation determined that NEIL and SUSAN BROMM were the owners of the TWILIGHT MINK FARM but are no longer in business and can be, however, contacted at telephone number (515) 832-1086. It is noted the residence at 1395 240th Street has a high security fence, possibly explaining the notation "difficult."

On December 2, 1997, Mrs. SUSAN BROMM, wife of NEIL BROMM, stated she and her husband were doing business at one time as the TWILIGHT MINK FARM. Mrs. BROMM stated, however, that she and her husband went out of business in 1990, basically because of the animal rights movement when a lot of customers stopped buying fur coats. BROMM reported that RONALD JACOBSON, formerly doing business as the L AND R MINK RANCH of rural Story City, Iowa, is also out of business, as is also CHRIS HILLPIPRE,

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formerly doing business as the HILLPIPRE MINK FARM. Both JACOBSON and HILLPIPRE went out of business at the same approximate time as did the BROMM family. Mrs. BROMM stated that only the FASSETT FUR FARM and the ISEBRANDS FUR FARM are still in business in the local area.

On December 2, 1997, contact was made with the Hamilton County Sheriff's Office to determine that the FASSETT FUR FARM was in fact vandalized on October 21, 1997, and paper name tags were torn off by the vandals and kept in their evidence locker for any possible latent fingerprints. The Hamilton County Sheriff's Office reported that PALMER ERICKSON and FLOYD ISEBRANDS, both of Jewell, Iowa, in rural Hamilton County, are still in business doing mink farming, however, have not been victimized by any vandals during this past season.

On December 2, 1997, CHRIS HILLPIPRE, formerly doing business as the HILLPIPRE MINK FARM, 136 Parkview Drive, Webster City, Iowa 50595, telephone number (515) 832-2953, advised that he went out of business in approximately 1990 but when he was in business he received mail at his residence location of 136 Parkview Drive, Webster City, Iowa. HILLPIPRE sold mink in New York to the HUDSON BAY COMPANY, as well as through a broker by the name of HARVEY LEBERGALL (phonetic), also in New York City, as well as an outlet in Seattle, Washington. HILLPIPRE never really had a rural location by himself but did raise minks with another individual whom he named as BOB K. KASTLER. HILLPIPRE stated that KASTLER is the individual who actually owned the land near Woolstock, Iowa, where the farm was actually located. However, HILLPIPRE and KASTLER received mail for their business at the Webster City, Iowa, address.

HILLPIPRE commented that the animal rights movement contributed to him going out of business but mostly the Scandinavian countries had gotten into the market about that time and glutted the market with more mink for sale.

HILLPIPRE knows RONALD JACOBSON by personal acquaintance, and JACOBSON went out of business in approximately 1988. HILLPIPRE also knows NEIL and SUSAN BROMM by personal acquaintance, and they also went out of business in approximately 1990.

HILLPIPRE has heard of recent problems at the FASSETT FUR FARM at Webster City, Iowa; and HILLPIPRE has been following the news on the animal rights vandalism in the United States.



## COMPARISON OF DOCUMENTS SEIZED FROM WA 560-GDO

ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL NAIL UPDATES
New Holstein	W846 Fur Farm Rd	Associated Fur Farms Inc. (FF-M) N1326 County Rd. J, New Holstein, WI 53061-9701 414-898-5000 *W846 Fur Farm Rd.
	W703 Fur Farm Rd	Osborne Charles W. (FF-M) W703 Fur Farm Rd., New Holstein, WI 53061-9717 or Cherry Valley, 9051 Highway 1350, Wisconsin Rapids, WI 54494 414-898-4492
	W1314 Foundry Rd	Halbach Mink Ranch (FF-M) W1314 Foundry Rd., New Holstein, WI 53061 Donald Halbach
Tomahawk	9879 Siemering Rd *Not Found	AmeAmes Mink Farm (FF-M) 9879 Siemering Dr., Tomahawk, WI 54487 715-453-8828 Arvid Ames
	2151 Krystal Cove Rd *Not Found	Northern View Mink Farm (FF-M) Route 3, Box 14, Tomahawk WI 54487 *2151 Krystal Cove Rd Harold DeHart
	N10685 Reci Pine Rd	Ott's Mink Ranch (FF-M) N10685 Reci Pine Rd., Tomahawk, WI 54487 Alexander J. Ott

ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL MAIL UPDATES
<u>Medford</u>	W7843 Center Ave *Not found	Bryan Arndt (FF-M) W7843 Center Ave., Medford, WI 55451
	W5339 Whittlesey Ave *Not found	Mildbrand Mink Ranch (FF-M) W5339 Whittlesey Ave., Medford, WI 54451 Scott Mildbrand
	N3647 County Rd E *Dark	Kalmon's Fur Farm (FF-M) N3647 Cly Hwy E., Medford, WI 54451 *N3647 County Rd E George Kalmon
	W5226 Perkins Ave	Dittrich Minkery (FF-M) W5226 Perkins., Medford, WI 54451 Jack Dittrich
	879 E Perkins Ave	Ed Dittrich Mink Ranch (FF-M) 879 E. Perkins Ave., Medford WI 54451 Ed Dittrich
	3472 Grahl *Nothing	David Dittrich Mink Ranch, Inc. (FF-M) 3472 Grahl, Medford, WI 54451 David Dittrich
	3641 County Rd E *Dark	Romle Deml Mink Ranch (FF-M) N3641 Cty Hwy E., Medford, WI 54451 *3641 County Rd E Romle Deml
	N2375 Hemlock Dr *Not Found	Henry & Patricia Deml Inc. (FF-M) N2375 Hemlock Dr., Medford, WI 54451 Henry Deml
<u>Independence</u>	Hwy 121 x 3	Smieja Fur Farm (FF-M) Highway 121, Independence, WI 54747-0000 715-985-3020 James Smieja, Owner



ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL MAIL UPDATES
<u>Granton</u>	W3331 US Hwy 10 *Amish Confrontation	Short's Fur Farm (FF-M) W.3331 US Hwy 10, Granton, WI 54436 715-238-7378 Tel/Fax
<u>Monticello</u>	720 E Coates Ave	Aeberhard Mink Ranch (FF-M) 720 E Coates Ave., Monticello, WI 53570-9732 608-938-4475 Alfred Aeberhard Jr., Owner
<u>Chilton</u>	N4392 Weeks Rd *Nothing	Valley Mink Ranch (FF-M) N4392 Weeks Rd. ff Chilton, WI 53014 Dennis Rach Evergreen
<u>Menasha</u>	W7015 Manitowoc Rd	Washack Mink Ranch (FF-M) W7015 Manitowoc Rd., Menasha, WI 54952-9414 414-734-5201
<u>West Bend</u>	3150 Highview Rd	Wilderness Mink Ranch (FF-M) 3150 Highview Rd., West Bend, WI 53095 414-675-6519
<u>Eden</u>	W4272 Lime Rd	William Smith Mink Ranch (FF-M) W4272 Lime Rd., Eden, WI 53019-1229 414-477-3195 William Smith, Owner
<u>Deerbrook</u>	N5209 Rosedale Rd	Twin Spruce Fur Farm (FF-M) N5209 Rosedale Rd., Deerbrook, WI 54424 David Frisch
<u>Mishicot</u>	2228 Cherney Rd *Massive	Sandy Bay Mink Ranch (FF-M) 2228 Cherney Rd., Mishicot, WI 54228-9796 414-755-2834 Rad Wiebenschon, Owner
<u>Onalaska</u>	436 S Court *Residence	Schuppel Mink Farm (FF-M) 436 South Court, Onalaska, WI 54650 Erwin Schuppel

ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL MAIL UPDATES
<u>Kewaunee</u>	N921 Norman Rd *Same, Followed	Langer Fur Farm (FF-M) N.921 Norman Rd., Kewaunee, WI 54216 Kenneth & James Langer
<u>Alma Center</u>	121 West Main *Residence	The Lea Brothers Corp (FF) 121 West Main, Alma Center, WI 54611 715-964-6121
<u>Kenosha</u>	8901 Cooper Rd	Leischow Mink Farm (FF-M) 8901 Cooper Rd., Kenosha, WI 53142 Jim Leischow
<u>Union Grove</u>	21021 Durand Ave	JKJ Fur Farm, Inc. (FF-M) 21021 Durand Ave., Union Grove, WI 53182 Dr. Kenneth J. Kurt
<u>Bristol</u>	17420 93rd St	Krleger's Mink Farm (FF-M) 17420, 93rd St., Bristol, WI 53104 Richard Krleger
<u>Kewaunee</u>	E3285 Fur Ln *Same, Followed	Langer Fur Farms (FF-M) E.3285 Fur Ln., Kewaunee, WI 54216-9338 414-776-1120 Jim Langer, Owner
<u>Kiel</u>	615 Braodway St	Puhrmann Fur Dressing (FF/W) 615 Broadway St., Kiel, WI 53042-1372 414-894-3309 Joergen Fuhrmann, Owner
<u>Mosinee</u>	1000 Gardner Park Rd	Gelger Fur Farm (FF-M) 1000 Gardner Park Rd., Mosinee, WI 54455 Thomas Gelger
<u>Fond du Lac</u>	W3695 Johnsbury Rd	Gligenbach Mink Farm (FF-M) W3695 Johnsbury Rd., Fond du Lac, WI 54935 Lee Gligenbach

ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL MAIL UPDATES	
<u>Auberndale</u>	10886 Nonh Shady Rd	Ral-Elt Valley Farm (FF-M) 10886 Nonh Shady Rd., Auberndale WI 54412 Ralph Bredl, Sr.	
<u>Beloit</u>	3457 Riverside Dr	Brown's Mink Ranch (FF-M) 3457 Riverside Dr., Beloit WI 53511 Gary & Dwight Brown	
<u>Pulaski</u>	5479 Hawthorne	Wisconsin Trapper Assoc. (FTO) 5479 Hawthorne, Pulaski, WI 54162 414-822-3427	
<u>Sheboygan</u>	W1090 Garton Rd	Batt's Mink Farm (FF-M) *W1090 Garton Rd Rt.1, Box 469, Sheboygan, WI 53083 Robert & Sylvia Batt	
	W3397 Hwy 28	Zimmerman Mink Ranch (FF-M) Rt.2, Hwy 28, Sheboygan Falls, WI 53085 *W3397 Hwy 28 Marvin Zimmermann	
<u>Plymouth</u>	W6343 St Rd 67 or 114 E Mill		
	875 South St	Steinhardt Peeds (FFFS) 875 South St., Plymouth, WI 53073-2443 414-893-2762	
	1014 Short Cut Rd	Meyer Fur Farm (FF-M) Route 2, Plymouth, WI 53073 *1014 Short Cut Rd Gene Meyer	

ENTRY IN WISCONSIN'S HANDWRITTEN LIST		ENTRY IN THE FINAL MAIL UPDATES
Oostburg	North 2141 Hwy 32	Voskull Mink Ranch (FF-M) Route 1, Box 270, Oostburg, WI 53070 *N2141 Hwy 32 Martin Voskull
	W1618 Smies Rd	Smies Fur Farm (FF-M) Route 1, Oostburg, WI 53070 *W1618 Smies Rd Abram Smies
	6020 Wilson Lima Rd	Zimbal's Minkery (FF-M) Wilson-Uma Rd., Oostburg, WI 53070 *6020 Wilson Lima Rd Robert & Linda Zimbal
Wisconsin Rapids	9051 Hwy 1350	Osborne Charles W. (FF-M) W703 Fur Farm Rd., New Holstein, WI 53061-9717 or Cherry Valley, 9051 Highway 1350, Wisconsin Rapids, WI 54494 414-898-4492
Spring Green	S12180 Neuheisel Rd	Mook's Mink Ranch (FF-M) R.R.1, Spring Green, WI 53588 *S12180 Neuheisel Rd Dennis Mook

\*DENOTES REMARKS WRITTEN IN



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Continuation of FD-302 of JAMES THOMAS FASSETT, On 12/03/97, Page 2

instructed to contact Special Agent Bob Birnie of the Sioux City, Iowa, Federal Bureau of Investigation office, after which he sent a copy of the police report, which is a part of this report.

As aforementioned, FASSETT and his father learned from the Fur Commission about other incidents; and the Fur Commission routinely updates the mink farmers in the United States by what is called "Urgent-Security Alert" flyers. FASSETT provided for this agent a copy of a recent flyer, which is attached and made a part of this report.

After informing FASSETT of the fact that his address location appeared on an apparent animal rights activist "raid list," it might explain the notation following his address of a question mark because of the fact the vandals at his location were apparently scared off before they could do much damage. The vandals did, however, go through and attempt to open all of the cage locations but did not do it in such a manner that would allow the escape of any of the minks. The three minks that did escape did so because of faulty wiring in the cage.

FASSETT also knows that NEIL and SUSAN BROMM were doing business at one time as the TWILIGHT MINK FARM on Airport Road, south of Webster City, Iowa, but have been out of business for some years. FASSETT offered his opinion that the notation "difficult" after the TWILIGHT MINK FARM location would be probably put there because of the fact the BROMMS had a guard fence.

FASSETT noted that there have not been any raids by animal rights activists at the larger ranch locations in the United States probably because of the fact they have employed security guards. It seems the animal rights activists are targeting smaller mink ranchers because of the fact they cannot afford security guards or security devices.

With reference to the pieces of paper in the evidence locker at the Hamilton County Sheriff's Office, FASSETT explained that these pieces of paper would have been exposed to the weather and the elements for a few hours prior to their collection for evidentiary purposes. FASSETT stated, however, that only his

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/10/97

JAMES THOMAS FASSETT, also known as TOM FASSETT (white male; date of birth February 28, 1964), co-owner, FASSETT FUR FARM, 939 North White Fox Road, Webster City, Iowa 50595, telephone number (515) 832-2094, was advised of the identity of the interviewing agent and the purpose of the interview.

FASSETT currently co-owns the FASSETT FUR FARM with his father, JIM FASSETT, who was present during some of this interview.

FASSETT reported that his business was in fact vandalized by some unknown subjects during the evening hours of October 21, 1997. FASSETT did not see the unknown subjects but did hear voices and can definitely state that he heard a man's voice and a woman's voice. FASSETT also reported that he heard the car drive off, and it is his opinion that these individuals were scared off before they could do much damage. The unknown subjects went into the north shed on their property and were only able to turn loose three of their mink, after which two of them were recovered. FASSETT did lose one mink valued at approximately \$40 to \$50. The FASSETT FUR FARM currently has 3,400 "kits," which he explained to be young mink, at this time.

FASSETT stated that the unknown subjects went into his north shed and tore off the little paper name tags that he and his father had placed up over each cage. Those name tags would have the number of the mink and their grade of parents. Also, those name tags would have contained information which litter the mink had come from, as well as the breeding dates of their parents and their birth dates. The unknown subjects tore the tags into pieces and put all of those pieces into one pile in the north shed, rather than tearing them off at random and leaving them as they did so. The vandalism was reported to the Hamilton County Sheriff's Office, particularly to Deputy Whitmore. However, the pieces of paper torn by the vandals were later provided to Sheriff Anderson of the Hamilton County Sheriff's Office, which is maintaining those pieces of paper for evidentiary purposes.

After learning of the incidents in the state of Wisconsin, FASSETT contacted the U.S. Fur Commission and was

Investigation on 12/03/97 at Webster City, Iowa  
File # 291-MW-36601-51 Date dictated 10/09/97  
by SA MICKEY LES CARVOUR:dlh

291-MW-36601

Continuation of FD-302 of JAMES THOMAS FASSETT, On 12/03/97, Page 3

prints and his parents' prints would appear on those pieces of paper, other than any of the prints that might be there from the unknown subjects.



Call 97002641

CALL FOR SERVICE

Loc 939 WHITE FOX  
Bus FASSETT'S

Police  
Grid 0100  
Beat 1  
Cmd Area/Agency /S  
Priority 1

Type 09910 MISC;PUBLIC

Name FASSETT, JAMES  
Addr 939 WHITE FOX ROAD  
WEBSTER CITY IA 50595  
Phon 515-832-2093

Recv 10/21/97 @ 01:29 by 00HKP via Phone

Disposition 03 HANDLED/NO REPORT  
Actual Type 09910 MISC;PUBLIC

Remarks

JAMES FASSETT REPORTED SOMEONE HAD RELEASED A  
NUMBER OF MINK, BUT THEY WERE RECAPTURED.  
ISEBRAND MINK OF 3221 QUEENS ARE ALSO CONCERNED  
ABOUT THE ACTIVISTS.

Unit	Disp	EnRte	Arriv	Clear	Otrs	Dispatcher	Officers
40-8	01:30	00:00	01:44	2:09	00:00	00HKP	000H8 HAGENSON, D
40-6	01:30	00:00	01:44	2:09	00:00	00HKP	000W6 WHITMORE, P

U.S. v. Samuel  
0093



Check One: <input type="checkbox"/> Offender <input type="checkbox"/> Suspect	Offender Sequence #	Name (Last, First Middle)	Nickname/Alias	Address (Street, City, State, Zip)				
<input type="checkbox"/> W - white <input type="checkbox"/> B - black <input type="checkbox"/> A - Asian	<input type="checkbox"/> I - Indian <input type="checkbox"/> U - unknown	<input type="checkbox"/> F - female <input type="checkbox"/> M - male <input type="checkbox"/> U - unknown	DOB or Age	<input type="checkbox"/> H - Hispanic <input type="checkbox"/> N - non-Hispanic <input type="checkbox"/> U - unknown	Height	Weight	Eyes	Hair
SOC/OLN/OLS		Relationship of victim # to offender:	Relationship of victim # to offender:	Arrest: <input type="checkbox"/> Y - yes <input type="checkbox"/> N - no	Offender suspected of using (check as many as apply): <input type="checkbox"/> A - alcohol <input type="checkbox"/> D - drugs <input type="checkbox"/> C - computer equipment <input type="checkbox"/> N - not applicable		Offender Present: <input type="checkbox"/> Y - yes <input type="checkbox"/> N - no	
LIC		LIS	LIY	LIT	VIN			
Color		Year	Make	Model	Style	Additional Descriptors		

Check One: <input type="checkbox"/> Offender <input type="checkbox"/> Suspect	Offender Sequence #	Name (Last, First Middle)	Nickname/Alias	Address (Street, City, State, Zip)				
<input type="checkbox"/> W - white <input type="checkbox"/> B - black <input type="checkbox"/> A - Asian	<input type="checkbox"/> I - Indian <input type="checkbox"/> U - unknown	<input type="checkbox"/> F - female <input type="checkbox"/> M - male <input type="checkbox"/> U - unknown	DOB or Age	<input type="checkbox"/> H - Hispanic <input type="checkbox"/> N - non-Hispanic <input type="checkbox"/> U - unknown	Height	Weight	Eyes	Hair
SOC/OLN/OLS		Relationship of victim # to offender:	Relationship of victim # to offender:	Arrest: <input type="checkbox"/> Y - yes <input type="checkbox"/> N - no	Offender suspected of using (check as many as apply): <input type="checkbox"/> A - alcohol <input type="checkbox"/> D - drugs <input type="checkbox"/> C - computer equipment <input type="checkbox"/> N - not applicable		Offender Present: <input type="checkbox"/> Y - yes <input type="checkbox"/> N - no	
Relationship Codes:		CH - child GP - grandparent GC - grandchild IL - in-law SP - stepparent	SC - stepchild SS - stepsibling OF - other family member AQ - acquaintance FR - friend	NE - neighbor BE - babysitter BG - boyfriend/girlfriend CF - child of boyfriend/girlfriend	HR - homosexual relationship XS - ex-spouse EE - employee ER - employer	OK - otherwise known RU - relationship unknown ST - stranger		

Referrals: <input type="checkbox"/> N - none <input type="checkbox"/> C - counseling	<input type="checkbox"/> L - legal <input type="checkbox"/> F - financial assistance	<input type="checkbox"/> S - shelter <input type="checkbox"/> O - other	Children: <input type="checkbox"/> U - present/unharmed <input type="checkbox"/> H - present/harmed	<input type="checkbox"/> M - medical <input type="checkbox"/> N - none present	Evidence Collected: <input type="checkbox"/> photos <input type="checkbox"/> fingerprints <input type="checkbox"/> other evidence
Witness(s) Name (Last, First, Middle)		Address (Street, City, State, Zip)		Home Phone	Business Phone
#1					
#2					

Sometime approx between 2230 + 0030 hours person or persons entered the furthest north mink shed on the Fassett farm. The building runs east and west and is open on the ends. There are mink cages along the north and south walls. Above the cages on the south wall were tags describing the mink by their parent #'s. These tags were all pulled and torn up and left on the ~~the~~ ground. The cages along this wall have a double door system. The top door opposes the bottom and both have to be opened fully for entrance or exit of the mink. The top door is of wood and the bottom of heavy wire screen. The top door of the cages on this row were opened and set back on top of the hump on the back side apparently in hopes the mink would get themselves out. None did or could. At this time the Fassett's have sustained no loss.

<input type="checkbox"/> continued on supplement	<input type="checkbox"/> active <input type="checkbox"/> inactive <input type="checkbox"/> cleared by arrest <input type="checkbox"/> unfounded	Exceptional Clearance: <input type="checkbox"/> A - suspect/offender dead <input type="checkbox"/> B - prosecution declined <input type="checkbox"/> C - extradition denied	<input type="checkbox"/> W - warrant issued <input type="checkbox"/> D - victim refused to cooperate <input type="checkbox"/> E - juvenile - no custody <input type="checkbox"/> N - not applicable	Reporting Officer: <i>Gaul Whitmore</i> ID # <i>40-6</i> Supervisor: U.S. v. Samuel ID # <i>0094</i> Entered By: ID #
--	--	--	--	---

Call 97002768

CALL FOR SERVICE

Loc 939 WHITE FOX ROAD

Police

Grid 0100

Beat 1

Cmd Area/Agency /S

Priority 1

Type 02700 SUSPICION/OPEN INVES

Name FASSETT, JAMES

Recv 11/04/97 @ 11:19 by 00MMM via Phone

Addr 939 WHITE FOX ROAD

WEBSTER CITY IA 50595

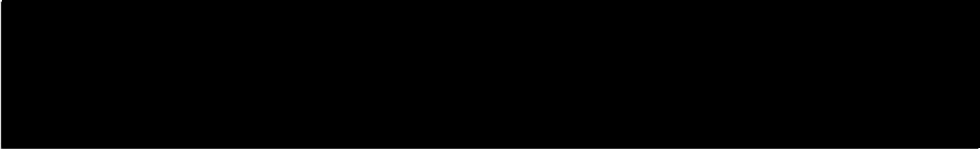
Disposition 03 HANDLED/NO REPORT

Phon 515-832-2093

Actual Type 02700 SUSPICION/OPEN INVE

Remarks

REPORTED STRANGER CAME TO HIS DOOR ASKING ABOUT  
BIRDS. JIM THOUGHT POSSIBLY HE COULD BE ANIMAL  
ACTIVIST. HE GAVE HIM DIRECTIONS TO LYLE NOREM  
RESIDENCE, 1443 THIRD, WEBSTER CITY. GOT HIS



Unit Disp EnRte Arriv Clear Qtrs Dispatcher Officers  
No UNITS on file

U.S. v. Samuel  
0095



# ***Fur Commission USA***

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225 East Sixth Street  
St. Paul, Minnesota 55101  
(612) 222-1080  
(612) 293-0532 fax

## **URGENT—SECURITY ALERT**

November 5, 1997

TO: U.S. FUR FARMERS  
FROM: FUR COMMISSION USA  
RE: ALF INCIDENT - INDIANA

Lair Fox Ranch, owned by Blaine Leffers in Ft. Wayne, Indiana, was attacked last night (Tuesday) by animal rights criminals. The guard fence was cut in two places with holes approximately 2' x 8'. All pens in the fox shed were opened, and 35 fox were removed out of a total of 99 housed on the farm. With the help of neighbors, Mr. Leffers has recovered most of the fox, but at least one was killed by an automobile, and another must be euthanized because of injuries it sustained in the animal rights attack. Local law enforcement authorities and the FBI have been notified and an investigation has begun.

This incident continues a pattern of animal rights violence in the Midwest during the last two months. Recently, there have been numerous reports by farmers of suspicious activity, including sightings of strange vehicles, and light aircraft circling fur farms. Fur Commission USA has passed along all of these reports to federal investigators, who are following up on them.

Please treat seriously any and all suspicious activity near your farm, and report it immediately to law enforcement authorities, your local FBI office and Fur Commission USA. Note descriptions of any strange vehicles, with license numbers, and any aircraft flying over your farm. In the case of aircraft, look for identifying numbers on the tail or wings.

U.S. v. Samuel  
0096

P050N01914 971018 TEXT01

COPS000050

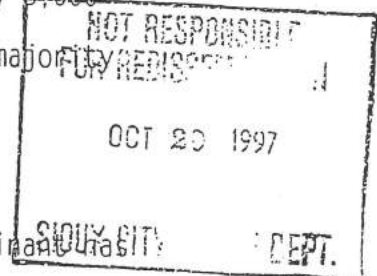
Officer Nelson. Complaint #97-49274. Burglary.

Complainant: Steve E. Krage, white male, 3/21/57, 481-60-9993, 32996 Fox Avenue, 239-3709.

Location: 3701 Memorial Road.

Property damaged: fenceline, approximately \$1,000.00, and an unknown number of mink and foxes were lost at time of dictation.

On 10/18/97, at 0745 hours, spoke to the complainant, Steve E. Krage, white male, 3/21/57, 481-60-9993, 32996 Fox Avenue, 239-3709. I spoke to him in the rear of 3701 Memorial Road, where he has a mink farm. One report of burglary, which occurred between 10/17/97, 1800 hours, and 10/18/97, 0700 hours. The east/west fenceline that runs on the north side of the mink barns, several sections of it was cut and knocked down. Also, the complainant stated that approximately 2,000 mink animals were in individual cages. It appeared that the majority of them had been let out.



Also to the northeast of where the mink barns are, the complainant has an area where foxes are raised. They are also in individual cages. A number of the foxes were let loose and they are running loose in the area also.

Did not speak to Mr. Krage in real depth. He was busy getting help and

Sioux City Police Department

U.S. v. Samuel  
0225



attempting, him and other employees, to capture the minks that had been let loose.

He had no suspects. There was no evidence left at the scene. No literature (?) or anything.

At the time of dictation, unknown for certain how many of the minks will be lost, and the foxes will be lost.

I did speak to the lady that owns the property at 3701 Memorial Road. Mr. Krage leases this mink operation facility from her. This is the only house in the immediate area and she did not hear anything during the night hours.

I did assist one of the employees in putting up the fenceline on the north side and other parties were arriving to help recapture the minks.

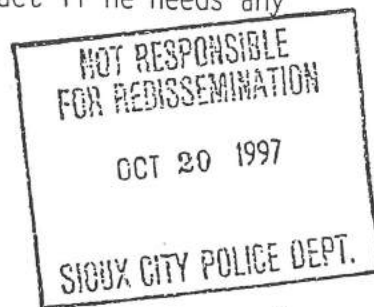
I did give Mr. Krage the report number for his purposes. Advised if he heard any information, or if he needed it for insurance purposes, that would be it.

He stated after things settled down he had to reclassify the minks and put them in their individual cages. He will contact if he needs any further information.

End of dictation, Officer Nelson.

END OF REPORT

102097/085356/G\_NITZSCHK



Sioux City Police Department

U.S. v. Samuel  
0226

The following investigation of various fur farms in the Sioux City, Iowa, area was conducted by Special Agent (SA) CHARLES M. MC DANIELS yielding the following results:

The Circle K Fur Farm located at 3701 Memorial Drive in Sioux City, Iowa, telephone 712/252-2202, was contacted. The farm operator indicated that his fur farm was raided on October 17, 1997, and that he had made a report with the police and the Federal Bureau of Investigation (FBI). Since that time, no further actions have occurred at his farm.

DONALD KLINGBEIL, 22487 Tammarack Avenue, Remsen, Iowa, 712/786-3361, was contacted. KLINGBEIL has had no suspicious activity at his farm and is aware of the entry of his farm on the raid list.

Both KLINGBEIL and the owner of the Circle K Ranch indicated that Gothier Mink, Inc., in Anthon, Iowa, had gone out of business and closed down. Investigating Agent attempted contact via telephone with the supplied telephone number and was unable to reach anyone.

Perrins and Sons Fur Farm at Cherokee, Iowa, 712/225-5348, was contacted. PERRINS indicated that they were aware of a red car which had gotten stuck in a ditch near their farm in October. PERRIN related that according to a neighbor who is a farmer, there were two skin-head looking individuals who had asked the farmer for a tow out of the ditch but the farmer was too busy with his harvest to help them. PERRIN believes that the vehicle was pulled from the ditch by LUBECKS Towing of Cherokee, Iowa, and he provided the telephone number as 712/225-2826.

250,000 300,000

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/9/98

KATHLEEN A. TURBAK, W/F, DOB 7/31/62, 202 St. Joseph Street, Kranzburg, South Dakota 57245, Tel. (605) 882-3866, was interviewed. Subsequent to being advised of the agent's identity and the purpose of the interview, Ms. TURBAK provided the following information:

KATHLEEN TURBAK and her husband ERIC TURBAK are co-owners and operators of the TURBAK MINK RANCH, 46285 U.S. Hwy 212, Watertown, South Dakota 57201, Tel. (605) 886-8118. The TURBAK MINK RANCH was founded and opened as a business in 1947, by LARRY TURBAK and ERIC's father. ERIK and KATHLEEN purchased ERIK's father's interest in the business approximately two years ago.

The ranch which occupies approximately four acres of land consists of 25 sheds containing approximately 1,200 minks each and various other buildings housing feed, equipment and skinning areas. The ranch produces approximately 10,000 to 12,000 minks per year which are skinned. The pelts from this production are shipped to various furriers in the United States. The ranch is well known in the fur trade and has never been previously the subject of an act of vandalism or theft.

According to Ms. TURBAK, during the early evening hours of October 16, 1997, person or persons unknown illegally entered their property, cut holes in the exterior fence, and opened and released approximately 2,400 minks from three sheds. Since this event all but 600 of the mink have been captured. The loss incurred by the owners because of this act is approximately \$ 21,000. This figure is based on the loss of 600 mink at a price of \$ 35.00 each.

On the morning of October 17, 1997, the Codington County Sheriff's Department in Watertown, S.D. was notified. Deputy Sheriff CHUCK KURKOSKY responded, conducted a crime scene investigation and completed a written report of the incident.

The TURBAK's and Deputy KURKOSKY questioned neighbors and friends of the TURBAK's in an attempt to gather information regarding suspects or suspicious activity near the TURBAK ranch

Investigation on 1/7/98 at Kranzburg, South Dakota

File # 291-MP-48582 - 11 Date dictated N/A

by SA Michael D. Graham:mdg

U.S. V. Samuel  
0103



291-MP-48582

Continuation of FD-302 of KATHLEEN A. TURBAK, On 1/7/98, Page 2

during the time of the crime. However, no positive information has been obtained.

Ms. TURBAK is acquainted with the animal rights group known as ALF (Animal Liberation Front) and believes that someone from this group may have been the perpetrator(s).

Ms. TURBAK was advised that PETER D. YOUNG and JUSTIN C. SAMUEL had recently been arrested in the state of Wisconsin for similar acts. Also, that a search of their automobile revealed a "hit list" which identified the TURBAK ranch as one of many "targets". She advised that neither she nor her husband are acquainted with the men arrested or have knowledge that there may have been a multi state conspiracy to illegally release fur bearing animals.

U.S. v. Samuel  
0104



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 1/9/98

ERIC M. TURBAK, W/M, DOB 10/8/59, 202 St. Joseph Street, Kranzburg, South Dakota 57245, Tel. (605) 882-3866 was interviewed at his business, TURBAK MINK RANCH, 46285 U.S. Hwy 212, Watertown, South Dakota 57201, Tel. (605) 886-8118. Subsequent to being advised of the agent's identity and the purpose of the interview, TURBAK provided the following information:

TURBAK owns the TURBAK MINK RANCH with his wife and uncle, Larry TURBAK. TURBAK provided the same information as his wife did regarding the illegal release of mink from the ranch.

TURBAK consented to this agent's request for a tour of the ranch and, during this tour, pointed out places in the fence surrounding the mink sheds where the perpetrator(s) cut the fence and accessed the sheds from which the mink were released.

For evidentiary purposes, this agent removed an approximate 6 inch length of fence which had been cut by the perpetrator(s).

J09M0602-00  
Investigation on 1/7/98 at Kranzburg, South Dakota

File # 291-MP-48582 - 10 Date dictated N/A

by SA Michael D. Graham:mdg

U.S. v. Samuel  
0105

02/18/98  
14:30:16

View Document Text

ECFVTO00

Case ID . : 291-MP-48582  
Responses :

Serial : 6

-----  
12/2/97

KATHY TURBAK, Owner, TURBAK MINK RANCH, Box 87,  
Kranzburg, South Dakota, business telephone number (605)  
886-8118, home telephone number (605) 882-3866, telephonically  
advised that the total number of mink never recovered as  
a result of the release of mink at their farm totaled 593.  
The total amount of the loss was \$21,580. The 593 mink  
consisted of 379 males and 214 females.

Command . . . > ..... +  
F1=Help F3=Exit F4=Prompt F12=Cancel F13=Attrib F14=List F15=PrevDoc  
F16=NextDoc

U.S. v. Samuel  
0410

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/8/97

DAN ROBB, born April 16, 1959, tow truck driver for Lubeck's Towing, 504 South 2nd Street, Cherokee, Iowa, 712/225-2826, was interviewed by telephone. After being advised of the nature of the interview and the identity of the interviewing Agent, ROBB provided the following information:

ROBB was asked if he had towed a vehicle from the vicinity of the Perrin and Sons Fur Farm in Cherokee, Iowa. ROBB indicated that he had pulled a red GEO Metro that had slid tail first into a ditch from that ditch on that day.

ROBB said that the car had Washington state license plates and that the left rear tire was very bald. ROBB also indicated that there was a significant amount of luggage and clothing in the car and that the tow was performed between 1:00 and 2:00 p.m. ROBB described the occupants of the vehicle as being two white males in their late teens to early 20s, both having similar height and build of approximately 5'8" to 5'9", weighing 165 pounds. Both had a close-cut crew cuts wearing military fatigues, green T-shirts and one was wearing an Army parka. ROBB noted that neither of the two wore glasses. ROBB was unsure of the day of the tow, but had Mrs. LUBECK check the records which reflected that the tow occurred on October 21, 1997, at approximately 2:00 p.m., it cost \$25 plus tax which came to a total of \$26.25 which the individuals paid in cash.

Investigation on 11/24/97 at CHEROKEE, IOWA (telephonically)  
File # 291-MW-36601-48 Date dictated 11/25/97  
by SA CHARLES M. MC DANIELS:kls



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/8/97

DAN ROBB, born April 16, 1959, tow truck driver for Lubeck's Towing, 504 South 2nd Street, Cherokee, Iowa, 712/225-2826, was interviewed by telephone. After being advised of the nature of the interview and the identity of the interviewing Agent, ROBB provided the following information:

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Investigation on 11/24/97 at CHEROKEE, IOWA (telephonically)  
File # 291-MW-36601-48 Date dictated 11/25/97  
by SA CHARLES M. MC DANIELS:kls

U.S. v. Samuel  
0102



~~Ans Sorensen~~

Valentine Equipment Co. (FFES)  
2259 S. Western Blvd., Chicago, IL 60609  
312-650-9050  
1-800-GET-STUF  
Credit Rating: B Good

## INDIANA

Adams Fox Farm (FF-F)  
2814 E. 150 S., Anderson, IN 46017  
317-644-6113

Flory Fur Farms (FF)  
5440 State Rd. 110, Rochester, IN 46975-7002  
Credit Rating: B Good  
219-223-2997  
Employees: 5 Sales: B  
Doyle Flory, Owner

Hoosier Hills Fur Farm (FF)  
RFD 1, Lawrenceburg, IN 47025  
Ralph Schmeltzer

Indiana State Trappers Assoc. (FTO)  
RR 1, Box 391-1, Heltonville, IN 47436  
812-834-5334

K & K Fur Producers (FF)  
County Rd. 1100 N., North Manchester, IN 46962-0000  
219-982-7800 or  
5412 E. 900 N., Roanoke, IN 46783  
219-672-3040  
Credit Rating: C Satisfactory  
Employees: A Sales: A

## IOWA

Howard & Shelly Brechel (FF-M)  
Box 290, Ossian, IA 52161

Briar Hill Fur Farm (FF-M)  
R.R. 2, Monticello, IA 52310  
Joan Ughtner

Circle K Fur Farm (FF-M)  
RR 5, Box 94, Sioux City, IA 51104  
S. Krage

Donald Klingbeil (FF)  
RR-2, Remsen, IA 51050  
712-786-3361

Fassett Fur Farm (FF-M)  
R.R. 3, Webster City, IA 50595

~~Cannon~~  
~~Woodhome~~  
~~Montrose~~  
~~Toddville~~  
~~Woolstock~~  
~~Elie~~  
~~Ossian~~

~~Monticello~~

100 S West Ossian Sioux City

~~West Burlington~~

~~Washington~~

~~Jewell~~

~~Guttenburg~~

~~Hopkinton~~

Sioux City

~~Shawnee~~

Muskegon  
St. Paul  
Russels

22487 Tamarack Ave

939 N white Fox Rd (?)

U.S. v. Samuel  
0415

09/12/97 18:45:40



~~ms Sorensen~~  
Valentine Equipment Co. (FFES)  
4259 S. Western Blvd., Chicago, IL 60609  
312-650-9050  
1-800-GET-STUF  
Credit Rating: B Good

## INDIANA

Adams Fox Farm (FF-F)  
2814 E. 150 S., Anderson, IN 46017  
317-644-6113

Flory Fur Farms (FF)  
5440 State Rd. 110, Rochester, IN 46975-7002  
Credit Rating: B Good  
219-223-2997  
Employees: 5 Sales: B  
Doyle Flory, Owner

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RFD 1, Lawrenceburg, IN 47025  
Ralph Schmeltzer

Indiana State Trappers Assoc. (FTO)  
RR 1, Box 391-1, Heltonville, IN 47436  
812-834-5334

K & K Fur Producers (FF)  
County Rd. 1100 N., North Manchester, IN 46962-0000  
219-982-7800 or  
5412 E. 900 N., Roanoke, IN 46783  
219-672-3040  
Credit Rating: C Satisfactory  
Employees: A Sales: A

## IOWA

Howard & Shelly Brechel (FF-M)  
Box 290, Ossian, IA 52161

Briar Hill Fur Farm (FF-M)  
R.R. 2, Monticello, IA 52310  
Joan Ughtner

Circle K Fur Farm (FF-M)  
RR 5, Box 94, Sioux City, IA 51104  
S. Krage

Donald Klingbeil (FF)  
RR-2, Remsen, IA 51050  
712-786-3361

Fassett Fur Farm (FF-M)  
R.R. 3, Webster City, IA 50595

~~Cummins~~  
~~Woodhome~~  
~~Montrose~~  
~~Toddville~~  
~~Woolstock~~  
~~Ollie~~  
~~Ossian~~

Monticello

100 S West Ossian Sioux City

~~West Burlington~~

~~Washington~~

~~Jewell~~

~~Guthrie~~

~~Hopkinton~~

Story City

Shawnee

Muskegon

St. Paul

Runnels

22487 Tamarack Ave

939 N white Fox Rd (?)

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~~in list~~  
Jim Fassett (and Tom)

Jack Fehseke (FF-M)  
RR 1, Box 283, West Burlington, IA 52655

Gothier Mink Inc. (FF-M)  
501 E Bridge St., Anthon, IA 51004-8188  
712-373-5159  
Credit Rating: C Satisfactory  
Employees: 2 Sales: A  
Everett Gothier, Owner

Carl Greiner (FF-M)  
Rt. 2, Washington, IA 52353

2583 Sockum Ridge Rd.

Hawkeye Mink Co-Op (FFFS)  
1324 Main St., Jewell, IA 50130-2012  
Credit Rating: B Good  
515-827-5458  
Employees: 8 Sales: D  
Luther Gesme, Manager

Hidden Valley Fur Farms (FF-M)  
R.R. 1, Guttenberg, IA 52052  
Steve Hansel



Hillpipe Mink Farm (FF-M)  
136 Parkview Dr., Webster City, IA 50595  
Chris Hillpipe

Kevin Horstman (FF-M)  
RR 1, Hopkinton, IA 52237



Iowa Trappers Assoc. (FTO)  
123 North Madison Avenue, Ottumwa, IA 52501  
515-682-3937

Isebrands Fur Farm (FF-M)  
R.R.2, Box 122, Jewell, IA 50130  
Floyd L Isebrands

3221 Queens Ave.

~~Donald Klingneil (FF)  
RR 2, Remsen, IA 51050  
712-786-3361~~

L & R Mink Ranch (FF-M)  
R.R. #1, Box 136, Story City, IA 50248  
Ronald D. Jacobson

Ludy & Mary Trapping Supply (TS)  
P.O. Box 188, Chelsea, IA 52215  
515-489-2155

Darell Marak (FF)  
1297 Marak Rd. NW, Swisher, IA 52338-9576  
319-857-4331

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Merschman (FF-M)  
Box 17, St. Paul, IA 52657

Mark McGrann (FF-M)  
RR 1, Box 3008, Mustic, IA 52575

Miller Fur & Wool (FP/W)  
38183 Highway 52, Bellevue IA 52031-9528  
319-773-8882  
Credit Rating: C Satisfactory  
Employees: 1 Sales: B  
Harold Miller, Owner

Morgan Valley Fox Farm (FF-F)  
R.R.1 Box 61, Runnells, IA 50237  
515-966-2028  
Frank & Judy Rains

Northeast Iowa Furs (FP/W)  
115 E Mission St., Strawberry Point, IA 52076-9629  
319-933-4118  
Employees: 5 Sales: D  
Marvin Kraus, Owner

Northstar Fur Farm (FF-M)  
Rt. 1, Ollie, IA 52576

Oakleaf Fur Farm (FF-M)  
Box 151, Woolstock, IA 50599  
Robert Kastler

Perrin & Sons Fur Farm, Inc. (FF-M)  
Box 53, R.R. 2, Cherokee, IA 51012  
Perrin & Sons

James Roberston (FF)  
3794 Toddville Rd., Toddville, IA 52341  
319-393-4454

Dwight Smith (FF-M)  
RR 1, Box 64, Montrose, IA 52639

David Tremel (FF-M)  
Rt. 2, Woodbine, IA 51579

Twilight Mink Farm (FF-M)  
R.R. 2, Box 119, Webster City, IA 50595  
Neil Bromm

Uckelman Mink Ranch (FF-M)  
R.R. #3 Box 267, Carroll, IA 51401  
Bernard Uckelman

## KANSAS

Kansas Fur Harvesters Assoc. (FTO)

1637 600 St.

1395 240 St.

227 S Hwy 71

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Stony Rapids Snowmobile Center (FP/W)  
Johnson St., Stony Rapids, SK S0J 2R0.  
306-439-2056  
306-439-2005 Fax  
Employees: 4 Sales: D  
Scott Hale, Owner

Western Hide & Fur Ltd (FP/W)  
601 North Railway St. W., Swift Current, SK S9H 0A5  
306-773-8772  
Employees: 2 Sales: C  
Pete Fehr, Owner

## SOUTH CAROLINA

South Carolina Trappers Assoc. (FTO)  
5160 Slater Rd., Anderson, SC 29621  
803-261-6139

## SOUTH DAKOTA

Kingswood Mink Ranch Inc. (FF-M)  
1108 Johnson St., Armour, SD 57313-0000  
605-724-2696  
Credit Rating: B Good  
Employees: 10 Sales: C  
Robert C Larson, Owner

Charles R. Larson (FF)  
R.R. 2 #T34A, Armour, SD 57313  
605-724-2660

Mark Neilson (FF-F)  
Box 182 A, Lake Preston, SD 57249  
605-983-5933

South Dakota Trappers Assoc. (FTO)  
P.O. Box 305, Philip, SD 57567  
805-859-2883

Turbak Mink Ranch (FF-M)  
R.R. 4 Box 69, Watertown, SD 57201-9127  
605-886-8118  
Credit Rating: B Good  
Employees: 5 Sales: B  
Larry Turbak, Owner

W. Brown Fur Farm (FF-M)  
R.R. 3, Box 23a, Arlington, SD 57212  
605-983-5456  
Walter P. Brown

## TENNESSEE

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11470 Hwy. 970 (Blewin Pass Hwy.), Cle Elum, WA 98922  
Joseph Wanechek

Washington State Trappers Assoc. (FTO)  
17601 S.E. Green Valley Rd., Auburn, WA 98002  
206-833-5068

Washington State University (FR)  
Spokane, WA

## WEST VIRGINIA

Glen Smith (FF-VET)  
HC 78, Box 28-A, Shanks, WV 26761-9603

West Virginia Trappers Assoc. (FTO)  
RR 2, Box 391, Princeton, WV 24740

## WISCONSIN

Aeberhard Mink Ranch (FF-M)  
720 E Coates Ave., Monticello, WI 53570-9732  
608-938-4475

Credit Rating: C Satisfactory  
Employees: 3 Sales: A  
Alfred Aeberhard Jr, Owner

American Mink Council (FFO)  
9600-3 Mile Rd., Franksville, WI 53126  
414-835-4066  
414-835-4066 Fax

Associated Fur Farms Inc. (FF-M)  
N1326 County Rd. J, New Holstein, WI 53061-9701  
414-898-5000 W 846 Fur Farm Rd.  
Credit Rating: C Satisfactory  
Employees: 7 Sales: B  
Robert M Langenfeld, President

AmeAmes Mink Farm (FF-M)  
9879 Siemering Dr., Tomahawk, WI 54487  
715-453-8828  
Arvid Ames

Bryan Arndt (FF-M)  
W7843 Center Ave., Medford, WI 55451

B&W Pelt Processing (FP)  
Route 2, Oranton, WI 54436

Batt's Mink Farm (FF-M) W 1090 Grant Rd.  
Rt. 1, Box 469, Sheboygan, WI 53083  
Robert & Sylvia Batt

Blanke's Hliltop Fur Farm (FF-M)  
R.R. 2, Plymouth, WI 53073  
Mel Blanke

114 E Mill

6343  
50 of 58  
State Road 67

Sheboygan  
Plymouth  
Oostburg

New Holstein

Tomahawk

Medford

Sheboygan

Oostburg

Plymouth

Independence

Grant

Campbell

Chippewa Falls

Nekoosa

Abbotsford

Elkhart Lake

Rib Lake  
Mukwanago

Berlin

Philips (Bauingenier)

Eland (46 acres)

Independence

New Holstein x 4

Chippewa Falls x 4

Curriton

Mukwanago

Berlin

Atthelstam

Dorchester

Irma

Kiel

Newton

Plymouth

Forest

Medford

Sheboygan

Catawba

Woodruff

Jamesville

Cedar Grove

Spring Green

Tomahawk x

Calvau

Cambell spot

Monticello

~~Dorchester~~  
Caroline  
Madison

Frank  
Kiel  
Madison  
Medford  
Monticello  
Newton

New Holstein  
Plymouth

Sheboygan  
Forest

Stratford  
Rosendale  
Land O Lakes  
Oostburg  
Grant  
South Range

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Blasel Fur Farm (FF-M)  
W3923 Apple Ave., Medford, WI 54451  
Dennis Blasel

Shady Acres Mink Farm (FF-M)  
10719 CTHA, Kiel, WI 53042  
Aix Bonde

Bonderosa Ranch (FF-M)  
13217CTHF, Newton, WI 53063  
Richard J. Bonde

Brecke Farms (FF-M)  
Rt. 1, Dorchester, WI 54425  
Gerald Brecke

Ral-Ett Yalley Farm (FF-M)  
10886 Nonh Shady Rd., Aubersdale WI 54412  
Ralph Bredl, Sr.

Brown's Mink Ranch (FF-M)  
3457 Riverside Dr., Beloit WI 53511  
Gary & Dwight Brown

Buck Horn Fur Centre (FP/W)  
R.R. 4 Richland Center, WI 53581-9804  
608-647-4532  
Credit Rating: C Satisfactory  
Employees: 3 Sales: C  
Verlan Dobbs, Owner

Buckley Mink (FF-M)  
Star Rt, Box 105, Athelstam, WI 54104  
Robert & Lynn Buckley

Chelf's Black Onyx Mink Ranch (FF-M)  
N7498 County H, Irma, WI 54442  
Mke Chelf

Cherry Valley Mink Farm II (FF-M)  
Route 1, Box 34, Beriln, WI 54923  
James Lumby

Continental Fur Farm Supplies (FFES)  
Box C, Delavan, WI 53115

Poor Paul's Place (FF-M)  
West 313 South 323, Hwy EE, Mukwonago, WI 53419  
Gene & Paul Cooper

Cooper Mink Ranch (FF-M)  
R#1, Box 77, Loretta, WI 54896  
Rodney Cooper

Henry & Patricia Deml Inc. (FF-M)  
N 2375 Hemlock Dr., Medford, WI 54451

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Henry Deml

=====  
Romle Deml Mink Ranch (FF-M)  
N 3641 Cty Hwy E., Medford, WI 54451  
Romle Deml



3641 County Rd E

=====  
Den-Pat Fur Farms (FF-M)  
Route 3 Chippewa Falls, WI 54729  
Dennis & Pat Lalnger



=====  
David Dittrich Mink Ranch, Inc. (FF-M)  
3472 Grahl, Medford, WI 54451  
David Dittrich

=====  
Ed Dittrich Mink Ranch (FF-M)  
879 E. Perkins Ave., Medford WI 54451  
Ed Dittrich

=====  
Dittrich Minkery (FF-M)  
W 5226 Perkins., Medford, WI 54451  
Jack Dittrich

=====  
F W Baugniet Mink Ranch (FF-M)  
2228 Cherney Rd., Mishicot, WI 54228-9796  
414-755-2301  
Credit Rating: B Good  
Employees: 6 Sales: B  
Brad Wiebensohn, Owner

=====  
Fuhrmann Fur Dressing (FP/W)  
615 Broadway St., Kiel, WI 53042-1372  
414-894-3309  
Credit Rating: C Satisfactory  
Employees: 1 Sales: B  
Joergen Fuhrmann, Owner

=====  
Fuhrmann Fur Farm (FF-M)  
Rt. # 1, N276 Hwy A., New Holsteln, WI 53061  
Ken Fuhrmann



=====  
Gamroth Fur Farm (FF-M)  
R.R. 1 Box 57, Independence, WI 54747-9711  
715-985-3530  
Credit Rating: C Satisfactory  
Employees: 3 Sales: A  
George R. Gamroth, Owner or  
Orge Gamroth, Owner



=====  
Gelger Fur Farm (FF-M)  
1000 Gardner Park Rd., Mosinee, WI 54455  
Thomas Gelger

=====  
Gligenbach Mink Farm (FF-M)  
W3695 Johnsburg Rd., Fond du Lac, WI 54935  
Lee Gllgenbach

=====  
Graves Mink Ranch (FF-M)

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Box 38, Eland, WI 54427  
Howard and Wendy Graves

Halbach Mink Ranch (FF-M)  
W 1314 Foundry Rd., New Holstein, WI 53061  
Donald Halbach

H.M.B. Fur Farm Inc. (FF-M)  
HCR 4 Box 42, Phillips, WI 54555  
John Baumgartner

JKJ Fur Farm, Inc. (FF-M)  
21021 Durand Ave., Union Grove, WI 53182  
Dr. Kenneth J. Kurt

Ken Holmes Mink Ranch (FF-M)  
W 8956 Cty Hwy M., Rib Lake, WI 54470  
Ken Holmes

Kalmon's Fur Farm (FF-M)  
N 3647 Cly Hwy E., Medford, WI 54451  
George Kalmon

☆ N 3647 County Rd E

Kickapoo Fur Foods Inc. (FFFS)  
Highway 14 S., Viroqua, WI 54665-0000  
608-637-3502  
Credit Score: C Satisfactory  
Employees: 2 Sales: A  
Buster Lee, Owner

Klinger Fur Farm (FF-M)  
Route 3 Chippewa Falls, WI 54729  
Robert, David & Dennis Klinger

Duane & Mona Klinger Fur Farm (FF-M)  
Route 3, Chippewa Falls, WI 54729  
Duane Klinger

Kohl's Mink Ranch (FF-M)  
Box 311 Woodruff, WI 54568  
Richard & Irene Kohl

Komuth Mink Ranch (FF-M)  
Rt. 1, Box 160, Catawaba, WI 54515  
Ray & Carla Komuth

Krleger's Mink Farm (FF-M)  
17420, 93rd St., Bristol, WI 53104  
Richard Krleger

Langer Fur Farms (FF-M)  
E. 3285 Fur Ln., Kewaunee, WI 54216-9338  
414-776-1120  
Credit Rating: C Satisfactory  
Employees: 4 Sales: A  
Jim Langer, Owner

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Langer Fur Farm (FF-M)  
N. 921 Norman Rd., Kewaunee, WI 54216  
Kenneth & James Langer

The Lea Brothers Corp. (FF)  
121 West Main, Alma center, WI 54611  
715-964-6121

Lee's Guns & Furs Inc (FP/W)  
135 Broad St N., Prescott, WI 54021-1701  
715-262-5024  
Credit Rating: C Satisfactory  
Employees: 1 Sales: B  
Lee Schommer, Owner

Lelschow Mink Farm (FF-M)  
8901 Cooper Rd., Kenosha, WI 53142  
Jim Leischow

Leo Hoeft Trappers Supply (TS)  
Hwy. 40, N. 7677, Bruce, WI 54819  
715-868-5768

MacArthur Mink Farm (FF-M)  
Route 1 Hwy. 14E  
Janesville, WI 53545  
Robert MacArthur

Medford Fur Food (FFFS)  
N3528 State Highway 13, Medford, WI 54451-8662  
715-748-2255  
Credit Score: B Good  
Employees: 15 Sales: D  
Tony Kleifgen, Manager

Meeusen Bros. (FF-M)  
Pebble Beach Rd., Route 1, Cedar Grove, WI 53013  
Lester & Roger Meeusen

Meyer Fur Farm (FF-M)  
Route 2, Plymouth, WI 53073  
Gene Meyer

Mlidbrand Mink Ranch (FF-M)  
W5339 Whittlesey Ave., Medford, WI 54451  
Scott Mlidbrand

Mook's Mink Ranch (FF-M)  
R.R. 1, Spring Green, WI 53588  
Dennis Mook

National Fur Foods (FFFS) (FF-M)  
Box 220, New Holstein, WI 53061  
414-898-4271  
414-898-5424 Fax  
1-800-558-5803.

Crucial feed supplier for the industry; runs an experimental mink ranch in Oshkosh, near New Holstein.

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North American Fur Auction (FAH)  
P.O. Box 608, Cambridge, WI 53523-Q608

Northern View Mink Farm (FF-M)  
Route 3, Box 14, Tomahawk WI 54487  
Harold DeHart

☆ 2151 Krystal Core Rd.

Northwest Mink Ranches Inc. (FF-M)  
N. 4533 Zebro Rd., PO Box 338, Bruce, WI 54819-9622  
Credit Rating: B Good  
715-868-3581  
715-868-3502  
Employees: 20 Sales: C  
Maurice Werblud, President  
Hans Haugen, Manager  
Uses Melatonin Implants

Oak Grove Fur Farm (FF)  
P. O. Box 63, Mt. Calvaw, WI 53057  
Daniel Halbach

Osborne Charles W. (FF-M)  
W703 Fur Farm Rd., New Holstein, WI 53061-9717 or  
Cherry Valley, 9051 Highway 1350, Wisconsin Rapids, WI 54494  
414-898-4492  
Employees: A Sales: A

Ott's Mink Ranch (FF-M)  
N10685 Reci Pine Rd., Tomahawk, WI 54487  
Alexander J. Ott

Pagel's Mink Farm (FF-M)  
1088 Highway B. Route., Campbellsport, WI 53010  
John W. Pagel

Pagel Mink Ranch (FF-M)  
W. 1095 Cty B, Campbellsport, WI 53010  
414-477-4794

Denny Patten & Sons Fur Farm (FF-M)  
Route 3 - 1676 County North, Friendship, WI 53934  
Denny Patton

Sandy Bay Mink Ranch (FF-M)  
2228 Cherney Rd., Mishicot, WI 54228-9796  
414-755-2834  
Credit Rating: B Good  
Employees: 6 Sales: B  
Rad Wiebensohn, Owner

Schultz Fur Farm (FF-M)  
Route 2, Box 212, South Range, WI 54874  
Gerald Schultz

Schuppel Mink Farm (FF-M)  
436 South Court, Onalaska, WI 54650

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Erwin Schuppel

★ Shon's Fur Farm (FF)  
Route 2, Granton, WI 54436 ★  
Floyd & Wayne Short

★ Short's Fur Farm (FF-M) ★  
W. 3331 US Hwy 10, Granton, WI 54436  
715-238-7378 Tel/Fax

★ Smieja Fur Farm (FF-M) ★  
Rt. 1, Box 53A, Independence, WI 54747  
Ray & Jim Smieja

★ Smieja Fur Farm (FF-M) ★  
Highway 121, Independence, WI 54747-0000  
715-985-3020  
Credit Rating: B Good  
Employees: 5 Sales: B  
James Smieja, Owner

★ Smies Fur Farm (FF-M) ★  
Route 1, Oostburg, WI 53070  
Abram Smies

W 1618 Smies Rd.

William Smith Mink Ranch (FF-M)  
W4272 Lime Rd., Eden, WI 53019-1229  
414-477-3195  
Credit Rating: C Satisfactory  
Employees: 1 Sales: A  
William Smith, Owner

★ Steinhardt Feeds (FFFS)  
875 South St., Plymouth, WI 53073-2443  
414-893-2762  
Employees: A Sales: A

★ Thang Mink Farm (FF-M) ★  
County Rd. 210, Land'O Lakes, WI  
Steve Thang

Twin Spruce Fur Farm (FF-M)  
N5209 Rosedale Rd., Deerbrook, WI 54424  
David Frisch

★ United Feeds Inc. (FFFS) ★  
W8430 State Rd. 67, Plymouth, WI 53073-4403  
414-526-3211  
414-526-3186 Fax  
Credit Rating: B Good  
Employees: 15 Sales: E  
Mel Blanke, Owner

United Vaccines Inc. (FR)  
2826 Latham Dr., Madison WI 53713  
608-277-2030  
608-277-2012 Fax

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1-800-283-6465

Credit Rating: B Good

United Vaccines (FR)

7819 Airport Rd., Middleton, WI 53562

608-836-8788

Credit Rating: B Good

University of Wisconsin (FR)

Madison and Milwaukee, WI

Vadnals Fur Farm (FF-M)

W 9966 Triple K, Rosendale, WI 54974

Scott Vadnals

Valley Mink Ranch (FF-M)

N4392 Weeks Rd. ff Chilton, WI 53014

Dennis Rach Evergreen

Voskull Mink Ranch (FF-M)

Route 1, Box 270, Oostburg, WI 53070

Martin Voskull

Walsh Mink Ranch (FF-M)

P. O. Box 101, Stratford, WI 54484

Michael Walsh

Washack Mink Ranch (FF-M)

W7015 Manitowoc Rd., Menasha, WI 54952-9414

414-734-5201

Credit Rating: C Satisfactory

Employees: A Sales: A

Wenh Capitol Fur Farm (FF)

2976 Highway MM, Madison, WI 53711

John A. Wenh

Wiesman Mink Ranch (FF-M)

Star Route, Box 34, Carolle, WI 54928

Emil &amp; Karen Wlesman

Wilderness Mink Ranch (FF-M)

3150 Highview Rd., West Bend, WI 53095

414-675-6519

Winkel's Fur Farm (FF-M)

R#2, Elkhart Lake, WI 53020

Robert Winkel

Wisco Fur Foods (FF-S)

Box 10, Abbotsford, WI 54405

Wisco Frozen Foods, Inc. (FFFS)

P. O. Box 61 Viola, WI 54664

Allen Pedersen


Wisconsin Mink &amp; Fur Council (FFO)


N 2141 Hwy 32

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222 Sexton, Elkhart Lake, WI 53020-0000  
414-894-7688  
Credit Score: C Satisfactory  
Employees: A Sales: A  
Thomas Winkel, Owner

Wisconsin Trapper Assoc. (FTO)  
5479 Hawthorne, Pulaski, WI 54162  
414-822-3427

Wittenberg Fur Farm (FF-M)   
4715 County Trunk 6, Nekoosa, WI 54457  
Anhur C. Wittenberg

 Zimbal's Minkery (FF-M)  
Wilson-Uma Rd., Oostburg, WI 53070  
Robert & Linda Zimbal

6020 Wilson Lima Rd

 Zimmermann Mink Ranch (FF-M)  
Rt. 2, Hwy 28, Sheboygan Falls, WI 53085  
Marvin Zimmermann

A W3397 Hwy 28

Zwickey's Fur Farm (FF-M)   
4003 Hwy 47N., Rhinelander, WI 54501  
Douglas W. Zwickey-SFX

## WYOMING

WYO Fur Ranch (FF)  
138 Main St., Eden, WY 82926-0000  
Credit Rating: C Satisfactory  
307-273-5555  
Employees: 2 Sales: A  
Steve Painovich, Owner

Wyoming Trappers Assoc. (FTO)  
P.O. Box 609, Thermopolis, WY 82443  
307-864-2128

## YUKON

Double R Ranch (FF-L & Marten)  
Box 138, Car Cross, YK Y0B 1B0  
403-399-3001  
Russ Roe

Tutshi Tanning (FP/W)  
48 Macdonald Rd., Whitehorse, YK Y1A 4I2  
403-633-4293  
Employees: 2 Sales: A  
Steve Cooper, Owner

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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Date: June 8, 1998

To: SAC, Milwaukee  
Squad 7, La Crosse RA  
Attn: SA Jeffrey S. Hill

Case ID #: 291-MW-36601

Lab No. 71201013 S BE  
80219021 S BE

Reference: Milwaukee communication dated 11/24/1997  
Minneapolis communication dated 02/17/1998

Your No. 291-MW-36601

Title: PETER D. YOUNG; JUSTIN C. SAMUEL;  
SMIEJA FUR FARM  
INDEPENDENCE, WISCONSIN - VICTIM;  
DITTRICH MINKERY  
MEDFORD, WISCONSIN - VICTIM;  
OTT'S MINK RANCH  
TOMAHAWK, WISCONSIN - VICTIM  
ANIMAL ENTERPRISE PROTECTION;  
DOMESTIC TERRORISM

Specimens received: 12/01/97 and 2/19/98

Specimens received from SAC, Milwaukee on December 1, 1997 under cover of communication dated November 24, 1997 (71201013 S BE):

Q1 Section of wire  
Q2-Q5 Four sections of wire  
Q6-Q8 Three sections of wire  
Q9-Q16 Eight sections of wire  
K1-K2 Two bolt-cutters  
K3 Multi-gadget tool in fabric pouch

1 - SAC, Minneapolis (291-MP-48582)  
(attn: SA Michael Graham)

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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Milwaukee  
Squad 7, La Crosse RA  
Attn: SA Jeffrey S. Hill

Date: June 8, 1998

Case ID #: 291-MW-36601

Lab No. 71201013 S BE  
80219021 S BE

Reference: Milwaukee communication dated 11/24/1997  
Minneapolis communication dated 02/17/1998

Your No. 291-MW-36601

Title: PETER D. YOUNG; JUSTIN C. SAMUEL;  
SMIEJA FUR FARM  
INDEPENDENCE, WISCONSIN - VICTIM;  
DITTRICH MINKERY  
MEDFORD, WISCONSIN - VICTIM;  
OTT'S MINK RANCH  
TOMAHAWK, WISCONSIN - VICTIM  
ANIMAL ENTERPRISE PROTECTION;  
DOMESTIC TERRORISM

Specimens received: 12/01/97 and 2/19/98

Specimens received from SAC, Milwaukee on December 1, 1997 under cover of communication dated November 24, 1997 (71201013 S BE):

Q1 Section of wire  
Q2-Q5 Four sections of wire  
Q6-Q8 Three sections of wire  
Q9-Q16 Eight sections of wire  
K1-K2 Two bolt-cutters  
K3 Multi-gadget tool in fabric pouch

1 - SAC, Minneapolis (291-MP-48582)  
(attn: SA Michael Graham)

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This Report Is Furnished For Official Use Only



Specimens received from SAC, Minneapolis on February 19, 1998  
under cover of communication dated February 17, 1998 (80219021 S  
BE):

Q363            Section of chicken wire

The results of the Toolmarks examinations are included  
in this report. The submitted specimens are being retained in  
the Laboratory until all comparisons with cases from other field  
offices are completed.

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71201013 S BE  
80219021 S BE

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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Examiner Name: *W* Steve M. Casper

Date: June 8, 1998

Unit: Firearms-Toolmarks

Phone No.: 202-324-4375

Case ID #: 291-MW-36601

Lab No.: 71201013 S BE  
80219021 S BE

Results of Examinations:

The Q1, Q6, Q10, Q13, Q15 and Q363 sections of wire were identified as having been cut by the K2 bolt cutters.

The Q7 section of wire was identified as having been cut by the K1 bolt cutters.

Toolmark examination of the Q4, Q8, Q9, Q11, Q12, Q14 and Q16 sections of wire determined that they were cut by a tool(s) employing a pinching/shearing type action, such as the K1 and K2 bolt cutters and the cutting edge of the K3 multi-purposes tool. However, due to a lack of sufficient corresponding individual microscopic of value, no further associations could be made.

The Q2, Q3 and Q5 sections of wire bear no marks of value for comparison purposes.



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Date: November 30, 1998

To: SAC, Omaha  
7/DMRA, Attn: SA Mickey L. Carvour

Case ID #: 291-MW-36601 220

Lab No. 71229041 S/L BE DQ

Reference: Communication dated December 17, 1997

Your No.

Title: PETER D. YOUNG; JUSTIN C. SAMUEL;  
SMIEJA FUR FARM  
INDEPENDENCE, WISCONSIN - VICTIM;  
DITTRICH MINKERY  
MEDFORD, WISCONSIN - VICTIM;  
OTT'S MINK RANCH  
TOMAHAWK, WISCONSIN - VICTIM;  
ANIMAL ENTERPRISE PROTECTION;  
DOMESTIC TERRORISM

Specimens received: December 29, 1997

Specimens:

Q17-Q362 Three Hundred Forty six (346) pieces of paper

The result of the latent fingerprint examination is included in this report.

Specimens Q17 through Q362 are enclosed.

Enclosures (346)

1) - Milwaukee

U.S. v. Samuel  
0467

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291-MW-36601-220



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Examiner Name: John J. Hyde *JH*

Date: November 30, 1998

Unit: Latent Fingerprint Section

Phone No.: (202) 324-5124

Case ID #: 291-MW-36601

Lab No.: 71229041 S/L BE DQ

Results of Examinations:

No latent prints of value were developed on specimens Q17 through Q362.





FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Milwaukee  
(Squad 7 - La Crosse RA)

Date: August 7, 1998

Case ID #: 291-MW-36601

Lab No. 80629128 I/L FO

Reference: Communication dated June 2, 1998

Your No.

Title: PETER D. YOUNG;  
JUSTIN C. SAMUEL;  
SMIEJA FUR FARM  
INDEPENDENCE, WISCONSIN - VICTIM;  
DITTRICH MINKERY  
MEDFORD, WISCONSIN - VICTIM;  
OTT'S MINK RANCH  
TOMAHAWK, WISCONSIN - VICTIM  
ANIMAL ENTERPRISE PROTECTION;  
DOMESTIC TERRORISM

Specimens received: June 29, 1998

Specimens:

Q364 One TDS Official Telecom Telephone Directory Book  
Q365 Torn piece of yellow paper bearing printing "10 Medford  
Community Map"  
Q366 Flashlight  
Q367 Pager  
Q368-Q369 Batteries

Remarks:

The results of the questioned document examinations are  
included in this report.

Page 1

(over)

U.S. v. Samuel  
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The latent fingerprint examinations are continuing and you will be subsequently advised concerning the results and the disposition of specimens Q364 through Q369. Questions concerning the latent fingerprint examinations may be directed to (202) 324-6236.

Photographs are retained.



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Examiner Name:	Antoine L. Frazier/g22	Date:	August 7, 1998
Unit:	Questioned Documents	Phone No.:	(202) 324-3220
Case ID #:	291-MW-36601	Lab No.:	80629128 I/L FO

Results of Examinations:

It was determined that the Q365 page was not torn from the Q364 Telephone Directory.



## FBI FACSIMILE

## COVER SHEET

## PRECEDENCE

- ☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION

- ☐ Top Secret  
☐ Secret  
☐ Confidential  
☐ Sensitive  
☐ Unclassified

Time Transmitted: \_\_\_\_\_

Sender's Initials: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

(including cover sheet)

To: AUSA Bob Anderson

Name of Office

Date: 8-19-98

Facsimile Number:

(608) 250-5424

Attn: \_\_\_\_\_

Name

Room

Telephone

From: FBI-Milwaukee

Name of Office

Subject: MINK Release- COMPARISON OF

Handwritten List to FINAL MAIL / PART II  
Includes ALL STATES surrounding WI

Special Handling Instructions: please Hand Carry to AUSAAndersonOriginator's Name: George StrongTelephone: 414 291 4256

Originator's Facsimile Number: \_\_\_\_\_

Approved: \_\_\_\_\_

Brief Description of Communication Faxed: \_\_\_\_\_

## WARNING

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## COMPARISON OF DOCUMENTS SEIZED FROM WA 560-GDO

ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST		ENTRIES IN THE FINAL MAIL UPDATES
<u>SD</u> <u>Watertown</u>	46285 US Hwy 212	Turbak Mink Ranch (FF-M) R.R. 4 Box 69, Watertown, SD 57201-9127 605-886-8118 Larry Turbak, Owner
<u>NE</u> <u>Colon</u>	322 N 3rd *Not Found	

Mink 3. Tab

ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST	ENTRIES IN THE FINAL NAIL UPDATES
<u>IA</u>	
<u>Sioux City</u>	3701 Memorial/32996 Fox Ave Circle K Fur Farm (FF-M) RR5, Box 94, Sioux City, IA 51104 S. Krage
<u>Webster City</u>	939 N White Fox Rd (?) Fassett Fur Farm (FF-M) R.R.3, Webster City, IA 50595 *939 N White Fox Rd (?) Jim Fassett (and Tom)
136 Parkview Dr *Residence	Hillpipe Mink Farm (FF-M) 136 Parkview Dr., Webster City, IA 50595 Chris Hillpipe
1395 240 St *Difficult	Twilight Mink Farm (FF-M) R.R.2, Box 119, Webster City, IA 50595 *1395 240 St Neil Brown
<u>Cherokee</u>	1637 600 St *Fell in a ditch Perrin & Sons Fur Farm, Inc. (FF-M) Box 53, R.R.2, Cherokee, IA 51012 *1637 600 St Perrin & Sons
<u>Washington</u>	2583 Sockum Ridge Rd Carl Greiner (FF-M) Rt.2, Washington, IA 52353 *2583 Sockum Ridge Rd
<u>Jewel</u>	3221 Queens Ave *Not Found Isebrands Fur Farm (FF-M) R.R.2, Box 122, Jewel, IA 50130 *3221 Queens Ave Floyd L Isebrands
<u>West Point</u>	2240 St Paul Rd *(Farm?)
<u>Burlington</u>	212 Broadway St
<u>Ossian</u>	100 S West Howard & Shelly Brechel (FF-M) Box 290, Ossian, IA 52161 *100 S West Ossian

ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST		ENTRIES IN THE FINAL NAIL UPDATES
<u>IA CONT'D</u>		
<u>Carroll</u>	227 S Hwy 71 *Not Found	Uckelman Mink Ranch (FF-M) R.R.#3 Box 267, Carroll, IA 51401 *227 S Hwy 71 Bernard Uckelman
<u>Remsen</u>	22487 Tamarack Ave *Difficult	Donald Klingbeil (FF) RR2, Remsen, IA 51050 *22487 Tamarack Ave 712-786-3361
<u>Toddville</u>	3794 Toddville Rd	James Roberston (FF) 3794 Toddville Rd., Toddville, IA 52341 319-393-4454
<u>Swisher</u>	1297 Marak Rd NW	Darell Marak (FF) 1297 Marak Rd.NW, Swisher, IA 52338-9576 319-857-4331
<u>Anthon</u>	501 E Bridge St *Nothing	Gothier Mink Inc. (FF-M) 501 E Bridge St., Anthon, IA 51004-8188 712-373-5159 Everett Gothier, Owner
<u>Story City</u>	3235 370th St *Closed	
<u>MO</u>		
<u>California</u>	35262 Woods Crossing Rd	Cary Mink Farm (FF-M) Route 1, Box 98-A, California, MO 65018 *35262 Woods Crossing Rd Glen Cary

ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST	ENTRIES IN THE FINAL NAIL UPDATES
<p><u>IL</u></p> <p><u>Lake Villa</u> 38614 N Fairfield Rd.</p> <p><u>Morengo</u> 23707 Grange Rd</p> <p>19014 Kishwaukee Valley Rd</p> <p><u>Union</u> Franklinville Rd *(Retail?)</p> <p><u>Elgin</u> 43 W 891 Plato Rd</p>	<p>Gengel Mink Farm (FF-M) / Illinois Mink Wire CO. (FFES) 38614 N. Fairfield Rd., Lake Villa, IL 60046</p> <p>Hidden Farms (FF-M) 23707 Grange Rd., Marengo, IL 60152 Roger Groenland</p> <p>Sorensen Mink Farm (FF-M) 19014 Kishwaukee Valley Rd., Marengo, IL 60152 Hans Sorensen</p> <p>The Mink Barn (FF-M) Franklinville Rd., Union, IL 60180 815-923-2071</p> <p>Montelone Mink Ranch (FF-M) 43 W. 891 Plato Rd., Elgin, IL 60123 708-464-5118 Frank &amp; Bernice Montelone</p>
<p><u>IN</u></p> <p><u>North Manchester</u> County Rd 1100 N</p> <p><u>Roanoke</u> 5412 E 900 N</p>	<p>K &amp; K Fur Producers (FF) County Rd. 1100N., North Manchester, IN 46962 219-982-7800 or 5412 E. 900 N., Roanoke, IN 46783 219-672-3040</p>



ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST	ENTRIES IN THE FINAL NAIL UPDATES
<u>OH</u>	
<u>Medina</u>	Bi-Jac Foods (FFFS) (FF) 2047 Granger Rd., Medina, OH 44256 216-239-1983
7035 Chatham Rd	Mohoric Mink Ranch (FF-M) 7035 Chatham Rd, Medina, OH 44256 Tom & Cheryl Mohoric 5+ mink sheds
<u>Alliance</u>	Justice Jorney (FF-M) 22199 Center Rd., Alliance, OH 44601 Pres. of Ohio Mink Breeders Assoc.

ENTRIES IN THE MIDWESTERN HANDWRITTEN LIST		ENTRIES IN THE FINAL MAIL UPDATES
<u>MN</u>		
<u>Mora</u>	2331 160 Ave	Thomas Born (FF-M) Rt.1, Box 435, Mora, MN 55001 *Tom - 2331 160 Ave 612-679-3156
<u>Cannon Falls</u>	7999 County 17 Blvd	Cannon River Fur Farm (FF-M) R.R.3, Box 313, Cannon Falls, MN 55009 *(7999 County 17 Blvd) Eddie R. Nelson
<u>Whalan</u>	828 Oak	Cedar Valley Fur Farm (FF-M) Box 60, Whalan, MN 55986 *Gene - 905 Bench (Lanesboro) Gene & Larry Johnson *Larry - 828 Oak (Whalan)
<u>Atwater</u>	7990 195 St NE	Keith Portun (FF-M) 7990 195th St. NE., Atwater, MN 56209 612-974-8097
<u>Gaylord</u>	750 Lakeside Dr	Goetseh Bros. Fur Farm, Inc. (FF-M) Box 598, Gaylord, MN 55334 *Darwin - RRI (Arlington) Darwin & Jerome Goetsch *Jerome - 750 Lakeside Dr (Gaylord)
<u>Brownton</u>	10587 Tagus Ave	Petersen Fur Farm (FF) 10587 Tagus Ave., Brownton, MN 55312-8319 612-328-4005 Sheridan Petersen, Owner
<u>Morris</u>	330 Eleanor	Pomme De Terre Fur Farm (FF-M) Rt.1, Morris, MN 56267 *Rob - 330 Eleanor Ave Robert Jergenson
<u>Rochester</u>	4625 West River Rd NW	Zumbro River Fur Farm (FF) *(Marlan 4625...) 4625 West River Rd. NW., Rochester, MN 55901 *(Larry 4305...) Marlan C, Larry N and Scott A. Stevens *(Scott 3334 Whalers Ln NW)

\* DENOTES REMARKS WRITTEN IN

## CODINGTON COUNTY SHERIFF'S OFFICE

119 South Maple

Watertown, South Dakota 57201

STATEMENT OF: Chuck Kurkosky, Deputy Sheriff

IN RE: Vandalism at Eric and Kathy Turbak mink ranch

DATE: October 17, 1997

Sometime between the hours of 7:00 p.m. on October 16, 1997, and 6:00 a.m. on October 17, 1997, unknown subject(s) cut the guard fence on the south side of the Turbak mink ranch, in approximately 17 different locations. The subject(s) went to the mink sheds where cages were opened to the mink confinement areas, and the mink were released. Approximately 2,500 to 3,000 mink were released. Two samples of wire were taken for reference to the tool markings on the wires.

Upon arrival at the scene, I observed numerous mink running loose. There are still 500 to 600 unaccounted for. It is now impossible to identify the individual mink as their cages were marked as to their identity.

Investigation is continuing.

End of report.



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Chicago  
RRA, Attn: SA James Egelston

Date: June 9, 1998

Case ID #: 291-CG-105578 45

Lab No. 80318045 S BE

Reference: Communication dated 03/17/1998

Your No.

Title: UNSUBS;  
LARRY FRYE, DBA  
FRYE'S FUR FARM, INC. - VICTIM;  
ANIMAL ENTERPRISE PROTECTION

Specimens received: 03/18/98

Specimens:

Q1 Section of black electric cord (1)  
Q2 Section of black electric cord with plug (1)  
Q3-Q4 Two sections of electric cord (2)  
Q5 Section of electric cord with plug (3)  
Q6 Section of electric cord with switch (3)  
Q7 Section of electric cord (3)  
Q8-Q9 Two sections of electric cord (4)

The results of the Toolmarks examinations are included in this report. The submitted specimens will be returned to the Chicago Division under separate cover by Registered mail.

1 - SAC, Milwaukee (291-MW-36601) :  
Page 1

*Copies H.11  
SKY  
a. J. J. Gray*

*6/15/98  
in*

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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Examiner Name: Steve M. Casper

Date: June 9, 1998

Unit: Firearms-Toolmarks

Phone No.: 202-324-4375

Case ID #: 291-CG-105578

Lab No.: 80318045 S BE

Results of Examinations:

Toolmark examination of the Q1 through Q4, Q8 and Q9 sections of wire determined that they were cut by a tool(s) employing a pinching or shearing type action, such as the K1 and K2 bolt cutters and the K3 multi-purpose tool from FBI Milwaukee Case ID# 291-MW-36601 (Laboratory Number 71201013 S BE). It could not be determined what type of tool(s) were used to cut the Q5, Q6 and Q7 sections of wire. Due to a lack of sufficient corresponding individual microscopic marks of value, the Q1 through Q9 wires could not be associated with the above listed K1, K2 and K3 tools.



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

To: SAC, Chicago  
CT-2, Attn: SA Christopher Koenig

Date: June 9, 1998

Case ID #: 291-CG-105280

Lab No. 71215044 S/L BE LD

Reference: Communication dated 12/12/1997

Your No.

Title: UNSUBS, AKA  
ANIMAL LIBERATION FRONT (ALF);  
CHARLES IDE - VICTIM;  
ANIMAL ENTERPRISE PROTECTION (AEP);  
OO: CHICAGO

Specimens received: 12/15/97

Specimens:

Q1 Section of fence  
Q2 Section of fence  
K1 Tin snips  
NE1 Debris from K1

The results of the Toolmark and Latent Fingerprint examinations are included in this report. The submitted specimens will be returned to the Chicago Division under separate cover by Registered mail.

① SAC, Milwaukee (291-MW-36601)

Page 1

*Copy Hill  
Skry  
LRO  
6/14/98*

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FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Examiner Name: Steve M. Casper

Date: June 9, 1998

Unit: Firearms-Toolmarks

Phone No.: 202-324-4375

Case ID #: 291-CG-105280

Lab No.: 71215044 S BE

Results of Examinations:

Toolmark examination of the Q1 and Q2 sections of fence determined that they were cut by a tool employing a shearing type action, such as the K1 tin snips. However, due to a lack of sufficient corresponding individual microscopic marks of value, no further association could be made. Also, there was nothing found to indicate that the Q1 and Q2 sections of fence were cut by the K1 and K2 bolt cutters and the K3 multi-purpose tool from FBI Milwaukee Case ID# 291-MW-36601 (Laboratory Number 71201013 S BE).

7-1 (Rev. 2-5-98)



**AGENT COPY**  
**FEDERAL BUREAU OF INVESTIGATION**  
**WASHINGTON, D. C. 20535**

Date: July 1, 1998

To: SAC, Portland  
Salem RA  
Attn: SA Darold M. Hessel

Case ID #: 291-PD-41852

Lab No. 80610024 S BE

Reference: Communication dated 06/03/1998

Your No. 291-PD-41852

Title: UNSUBS,  
aka ANIMAL LIBERATION FRONT (ALF);  
ARRITOLA MINK FARM,  
12303 MT. ANGEL - GERVAIS HIGHWAY,  
MT. ANGEL, OREGON;  
5/29-30/1997;  
ANIMAL ENTERPRISE PROTECTION (AEP)

Specimens received: June 10, 1998

Specimens previously submitted under Laboratory Number 70814020  
S/I/L ZT DL JP and 80213019 S JE:

Q1-Q1.1 Two pieces of fence wire

The results of the Toolmark examinations are included in this report. The submitted specimens will be returned to the Portland Division under separate cover by Federal Express.

① - SAC, Milwaukee (291-MW-36601)  
(Attn: SA Jeffrey S. Hill)

Page 1

Copies - Geddy + Jeff

291-MW-36601-

SEARCHED	INDEXED
SERIALIZED	FILED <i>u</i>
JUL 6 1998	
FBI-MILWAUKEE	
msf	

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UNITED STATES DISTRICT COURT  
for the  
WESTERN DISTRICT OF WISCONSIN

Declaration of Victim Losses

United States

vs.

Justin Clayton Samuel

00-0078M-X-01

(Docket No.)

I, Eric and Kathleen Turbak, residing at 202 St. Joseph St. NW,  
in the city (or county) of Kranzburg, in the state of South Dakota,  
am a victim in the above referenced case and I believe that I am entitled to restitution in the total  
amount of \$ 261,500.

My specific losses as a result of this offense are summarized as follows:

Breeding stock (1200 mink released + records lost) valued @ \$200	= \$240,000.
Additional mink lost or killed (600) valued @ \$35 ea.	= 21,000.
Guard fence damaged	= 500.
	<u>261,500.</u>

Yes I have been compensated by insurance of another source with respect to all or a portion  
of my losses in the amount of \$ 21,000. The name and address of my insurance company  
and the claims number are as follows:

Fitzgerald, Clayton James & Kasten, Inc.

735 North Water Street, Suite #1328

Milwaukee, WI 53202-4117

Claim date  
10/17/97

I declare under penalty of perjury that the foregoing is true and correct.

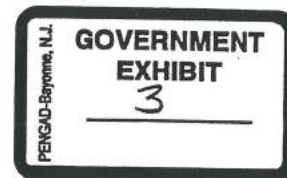
Eric Turbak  
Signature

Executed on

21 day of Sept 2000

were those  
sold for pellets.  
Is so, offset  
amount?

(Additional Pages May be Attached)



# PROOF OF LOSS

(Burglary, Robbery, Theft, Larceny, Disappearance)

To the Highland Ins Co  
Under your Policy No. BCP 0388604 04 issued to Alex Ott  
I hereby make claim for \$ \_\_\_\_\_ loss, \$ \_\_\_\_\_ property damage: Total \$ 3050.00  
(I or We) (Insured)  
On the 25 day of OCT 1997, at about 2 P.M. a Vandalism  
(Burglary, Theft, Robbery or Disappearance)  
occurred in the following manner: wrong doors let milk out of  
cooler - 70 milk lost

The visible evidence of forcible entry and extent of damage (1) to the premises, (2) to any safe or vault insured consists of gate to pens opened up

Occurrence of the loss was first known to me about 6 o'clock P.M. 10-25 1997  
(Me or Us)  
and I notified the Company at its office at MILWAUKEE, WI  
(I or We)  
or its Agent at \_\_\_\_\_  
on the 25 day of OCT, I also notified the nearest local police at their office at  
(I or We)  
LINCOLN CO Sheriff Dept  
on the 25 day of OCT 1997

The property insured belonged at the time of the loss, to Alex Ott  
and no other person or persons had any interest therein except NO Exception

The total amount of insurance on the property for which claim is being made hereunder at the time of the loss was N/A

I have never before suffered a loss by Burglary, Theft or Robbery; or received indemnity there-  
(I or We)  
fore except as follows: NO Exception

Any other information that may be required will be furnished on demand and will be considered a part of these proofs. It is expressly understood and agreed that in furnishing this Proof of Loss blank to the Insured or the making up of any proofs by an Agent of the Company or by any Adjuster, the Company does not waive any of its rights under the said policy.

In consideration of the payment of this claim I hereby invest the said Company with full right  
(I or We)  
of ownership in and title to all of the articles or property for which claim is being made hereunder and agree to immediately notify the Company in case of any recovery of the property for which claim is being made hereunder.  
I also agree to turn over to the Company any such recovery which may be made or to reimburse the  
(I or We)  
Company in full to the extent of the payment for such property which may be recovered; and in further consideration of the said payment I hereby also subrogate to the said Company my claims or rights  
(I or We) (my or our)  
against any third person or persons to the amount of the loss paid and expenses incurred in settlement thereof, and I affirm that I stand ready at any time to execute any and all papers necessary to secure  
(I or We) (I or We)  
to the said Company all said claims or rights.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

X Alex Ott  
Insured

Notary Public

Insured



FILE COPY

U. S. Department of Justice

*United States Attorney  
Western District of Wisconsin*

*Suite 200, City Station  
660 W. Washington Avenue  
P.O. Box 1585  
Madison, WI 53701-1585*

*608/264-5158  
TTY 608/264-5006  
FAX 608/264-5054*

July 24, 2000

Mr. Dennis P. Coffey  
Cook & Franke, S.C.  
660 East Mason Street  
Milwaukee, WI 53202-3877

Re: Proffer of Justin Clayton Samuel

Dear Mr. Coffey:

Your client, Justin Clayton Samuel, has been charged in an indictment with animal enterprise terrorism and interfering with interstate commerce by threat of violence. Of course, the government welcomes any information that may aid it in reaching a proper determination of this matter. Accordingly, the government seeks a proffer of the testimony of Mr. Samuel regarding his knowledge of the facts underlying this matter.

The government requires a completely truthful statement by Mr. Samuel in this proffer. No direct use will be made of his statements, or any information provided by him, in the government's case-in-chief at trial, or in aggravation of his sentence, pursuant to USSG § 1B1.8.

The indirect use of Mr. Samuel's statements, or other information provided by him, is permitted by this agreement. The government is completely free to pursue any and all investigative leads derived in any way from the proffer, which could result in the acquisition of evidence admissible against your client.

If your client subsequently testifies at any trial or hearing contrary to the substance of the proffer, or presents a position inconsistent with the proffer (for example, during cross-examination of witnesses, through witness testimony, or during arguments), the government is completely free to use the statements and other information from the proffer at sentencing for any purpose, at trial for impeachment or in rebuttal testimony, or in a prosecution for perjury. These provisions are necessary to assure that your client does not make false statements during this proffer and does not commit perjury when testifying at any trials or hearings.

July 24, 2000

Page 2

This letter contains the entire agreement regarding Mr. Samuel's proffer. No other promise or agreement exists between Mr. Samuel and the United States Attorney's Office regarding his proffer. If you wish to proceed pursuant to this agreement, would you and your client please sign this letter and return it to me. By his signature, Justin Clayton Samuel acknowledges that he has discussed the terms and conditions of this letter with you and that he understands his rights and obligations pursuant to the agreement. By his signature, Mr. Samuel also acknowledges that he is voluntarily and knowingly waiving his right not to discuss any matters which might incriminate him and that he is voluntarily and knowingly agreeing to make statements and answer questions according to the terms and conditions set forth in this letter.

Very truly yours,

PEGGY A. LAUTENSCHLAGER  
United States Attorney

By: 

ROBERT A. ANDERSON  
Assistant U.S. Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUSTIN CLAYTON SAMUEL  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
DENNIS COFFEY  
Attorney for Justin Samuel



Det Konrad Kaczkowski of the Sheboygan Co SD - Would testify that a search of the Red Geo Metro revealed

- detailed local maps of rural Wisconsin, including the areas in which previous mink releases had occurred
- Dark clothing, including dirt covered overalls
- ski masks
- flashlights
- an Animal Liberation Front fur farm target list, from a document known as "The Final Nail"
- a subscription form to a publication known as "No Compromise" - an animal liberation advocacy paper
- Bolt cutters and other pinching type tools
- Animal liberation stickers

Steven Casper, FBI crime lab tool mark identification analyst,-

Would testify to his background and qualifications as a Tool Mark identification expert with the crime lab. He would testify that he received the wire cutting samples taken from the sites of the attacks previously mentioned and the bolt cutters and tools taken from Young and Samuel's red Geo Metro by the Sheriff's Dept.

Mr. Casper would testify that he tested/compared the wire samples to the impressions/ marks left by the bolt cutter and tools, and identified a positive match. The bolt cutters and tools possessed by Young and Samuel had been used to cut the wire at the site of the farm attacks on the Turbak, Smieja and Dittrich farms.

Finally, to confirm all the evidence above, the Gov. would have the testimony of Justin Samuel:

Samuel would testify that he and Young planned to and did drive through various states in the Midwest, including Wisconsin, trespassed onto the farms, cut down fences and released mink from the farms.

He would testify that their intent was to (1) free the mink and (2) disrupt the mink farm operation, causing economic harm as a disincentive to operating the mink farm.

Before the Federal Grand Jury  
Western District of Wisconsin

\* \* \* \* \*

Testimony of:

JUSTIN SAMUEL

\* \* \* \* \*

Stenographic Transcript

of testimony taken before 19 members of the Federal Grand Jury of the Western District of Wisconsin at the United States Federal Courthouse, 120 North Henry Street, Room 260, in the City of Madison, County of Dane and State of Wisconsin, on Thursday, the 31st day of August, 2000, commencing at 9:43 a.m.

Appearances:

Office of the United States Attorney

By: PEGGY LAUTENSCHLAGER

United States Attorney, and

By: ROBERT ANDERSON

Assistant United States Attorney

City Station, Suite 200

660 West Washington Ave

Madison, WI 53701

\* \* \* \* \*

MR ANDERSON: All right. The witness we're calling is Justin Samuel. Would you take the stand and be sworn in by the foreman, please?

THE FOREPERSON: Would you please stand and raise your right hand?

JUSTIN SAMUEL,  
having been first duly sworn in by the foreperson of the Grand Jury,  
was interrogated and testified as follows:

THE FOREPERSON: Thank you. Please be seated.

#### EXAMINATION

BY MR ANDERSON:

Q Justin, would you state your name and spell the last name, please?

A My name is Justin Clayton Samuel. Samuel is S-a-m-u-e-l.

Q How old are you, Justin?

A I'm 21 years of age

Q What's your date of birth?

A December 31, 1978.

Q All right. And where is your original place of residence?

A Original place of birth or residence?

Q Both?

A I was born in San Jose, California, but I've lived mostly near Seattle in Washington. It's Snohomish, S-n-o-h-o-m-i-s-h, Washington.

Q Okay. A couple of things before we get started, and this is Peggy Lautenschlager - - excuse me, shouldn't have drank that - - the U.S. Attorney in our district, in case you never met her. I don't know if you have, and she's going to go through the substance of information you provided to investigators from the FBI last week and there will be some additional things. There's more details that we'll ask you about as well.

First of all, I want you to know as a witness appearing before a Grand Jury - - By the way, this is the Grand Jury, the people assembled to help us investigate federal offenses and eventually vote on Indictments, and after we're done asking questions, they'll have a chance to ask questions as well.

I also want you to understand that as a witness appearing here, you do have a right, if you have an attorney, to have that attorney outside and if at some point in time in questioning you want to ask your attorney a question, normally we would let you go outside to ask your attorney a question, but your not exactly mobile so we probably would let the attorney come in here and talk to you, if you want that opportunity, okay?

A Okay.

Q And you do have an attorney, right?

A Yes, I do.

Q That would be Mr Coffey, right?

A Correct.

Q In case you didn't know, he is outside available for you if you do have something you want to consult with him about, okay?

A Okay. Thank you.

Q The other right which witnesses normally have involves their 5th Amendment right to not incriminate themselves. But as you understand, and so the Grand Jury understands, you entered a plea yesterday to charges related to the events we are going to talk about. Do you understand that?

A That is correct, yes.

Q And you did enter the plea, right?

A Yes.

Q And therefore as to the events we are going to talk about, since you plead guilty to those, you really no longer have a 5th Amendment right. You waived that in entering the plea, correct?

A Correct.

Q Again, if you have any questions concerning that or anything, feel free to ask to consult with your attorney, okay?

A Okay.

Q All right. I'll turn it over to Peg now.

MS LAUTENSCHLAGER: I don't know if that's a good thing or bad thing, Justin. Good morning.

THE WITNESS: Good morning.

EXAMINATION

BY MS LAUTENSCHLAGER:

Q Okay. First I have a personal question to ask. Does one pronounce it vegan or veegin?

A Depends on the person. Different people, different ways.

Q There's no preferred pronunciation?

A No.

Q Okay. We'll move on then. Justin, as you know, we're here to talk about some events involving the release of mink at various mink farms across the country. Is that right?

A Correct, specifically relating to the Indictment made against me.

Q Right. Okay. And this Grand Jury actually has never heard testimony, have they?

MR ANDERSON: They did one witness

A GRAND JUROR: Back in April.

MS LAUTENSCHLAGER: Back in April, okay.

A GRAND JUROR: [REDACTED]

BY MS LAUTENSCHLAGER:



Q Okay. That's right. They've heard just some testimony regarding the allegations that were in the original Indictment, so what I'd like to do is sort of walk through some of the information which you gave to Agent Strong the other day and some of the information which has come up in a previous Grand Jury, if that's okay with you?

A Okay.

Q Okay. Let's start with your time as a student at the University of Washington, and during that time, did you have an opportunity to meet Peter Young and [name omitted by Peter Young Support Committee]?

A Yes, I did.

Q Okay. And how did you meet them?

A I met them through a student organization for animal rights.

Q Okay?

A Around campus.

Q Do you recall the name of the organization?

A Students for Animal Liberation.

Q Okay. Was that related to any other organizations involving animal rights group or was it simply a campus organization?

A It was an independent campus organization.

Q Okay. What sort of activities did that group get involved in?

A Mostly on University-related types of information distribution and protest of, like, ongoing campus things that were against the beliefs of the group.

Q And do you want to just briefly summarize the beliefs of that group?

A The beliefs of the group were mostly to the extent that animals should not be used for human purposes.

Q That would include not eating animals?

A That would include not eating animals.

Q Include not eating products from animals? That animal might be held in captivity, some sort of situation where they'd be milked or used in some way - -

A Correct. Correct.

Q - - for food products, and it would also mean that you wouldn't use animals for clothing items or things like that?

A That is correct.

Q What about research areas?

A The group is opposed to research. Any type of use of animals would just be against, like, them living their normal lives.

Q Okay. And these beliefs are ones which are probably commonly held by a lot of animal rights organizations, is that fair?

A I would say so, yeah.

Q Okay. And, indeed, one of the things that brought you together with Mr. Young and [name omitted by Peter Young Support Committee] was the fact that you all believe - - you all believe this?

A Correct. Correct.

Q Certainly at that time?

A I was a participant in this group, Students for Animal Liberation, yeah.

MR ANDERSON: So I have a reference, it just says when you were at the University of Washington. Can you tell me what year that would of been?

THE WITNESS: That would of been probably - - I was only at the University itself maybe from the summer of '96 to the spring of '97 maybe.

BY MS LAUTENSCHLAGER:

Q Okay.

A I think that was the time.

Q One year about?

A I had previous college education at the communtiy college before transferring there.

Q Okay. Now what sorts of activities would you do with Mr Young and [name omitted by Peter Young Support Committe] when it came to your involvement in that group on campus?

A A lot of things, such as distribution information, leafleting, going around campus and handing out information on vegetarianism or the testing done there, the research on animals done by the medical school of the University. Other - - other issues, too. Just general cosmetics

testing in general, not specifically related to the University. Also, every now and then a protest, if something was happening on campus. For example, if like on a specific day, like, just holding signs outside of the medical building where they do research on animals.

Q By and large it was protests, letting people know what your concerns were, that sort of thing?

A Yeah. Yeah, pretty much.

MR ANDERSON: Did you, when you were doing these things with them, did you discuss the ideas of the animal rights movement with Justin? I mean Peter Young and with [name omitted by Peter Young Support Committee]?

THE WITNESS: Yes. With a lot of other people, too; other people in the group, other people who weren't in the group. That was kind of the whole point was to discuss the issues.

MR ANDERSON: And you found your ideas matched with them? That's why you hung out with them more?

THE WITNESS: I guess our ideas matched. That's probably why we all ended up together in this organization and the group there.

BY MS LAUTENSCHLAGER:

Q When you had this group conversation, it sort of - - you all had this common interest and it was fun to get together and talk about these ideas and figure out what you could do, what you could - -

A Yeah. We all had interest in trying to just like raise awareness generally into, you know, promoting these ideas, so that what actually the whole purpose of the group was.

Q And among the members of the group, you became particularly familiar with Mr Young and [name omitted by Peter Young Support Committee] and the three of you sort of hit it off with a friendship? Is that a fair assessment?

A Yes. We became friends, yes.

Q Okay. During that time did you continue to explore animal rights issues and the various organizations involves in the advocating for these sorts of animal rights?

A Yeah. Yeah.

Q Okay. And in doing so, did you also check on things like the Internet?

A Yes, I would look at animal rights things on the Internet, too.

Q Are there a lot of sites involving animal rights?

A There's at least a couple I am familiar with, yes.

Q Okay. What sorts of sites are you familiar with?

A There's sites - - The Animal Liberation Front Information Service, which is just a service that provides kind of updates of things that have appeared in the news, that have been done on either - - related to the ideals of the people who, like, work on the Web site about what the ALF should do or whatever. But it's an informative kind of thing. like what to do if people are interested in these issues, the reason behind them, things that have happened in the past.

Q And - -

A There's other Web sites, too. There's other just kind of general vegetarian sites.

Q Is the Animal Liberation Front a part of PETA then, or was a part of PETA?

A I don't think so in any way.

Q Was it a membership type group?

A No. No. From what it says on the website, as far as I am aware of it, it says that any person who wants to do something in accordance with these beliefs of the people who set it out on the internet - - can claim themselves as part of the ALF or something. I don't think there is any tyoe of membership.

Q I know. For example, PETA sends out little fund-raising letters. I've received them in the mail and they tell me if I send \$25, they'll continue to send me letters asking me for more money and send me little address labels or something like that. Does ALF do that sort of thing, too, or they're just simply informational?

A Not that I'm aware of, no. I think people can give money the information service, just like the [REDACTED] group that helps get information out about them. But from what I've read on there, I've never seen anything directly relating to the Animal Liberation Front. It's just a group of people providing information about the Animal Liberation Front.

#### EXAMINATION

BY MR ANDERSON

Q But as you stated, if someone commits an action consistent with the objectives or goals stated in the materials for the Animal Liberation Front, they can consider themselves a member of the group?

A That's how it states itself, yeah.



Q Okay. Did you eventually at a point in time when you engaged in actions consider yourself an arm or member of this group?

A No, actually I did not.

Q Did you - - The stuff on the Internet Web site, let me show you a couple of things. One of the things on the Web site would be a thing called, a document called The Final Nail, right?

A Correct.

Q You had seen that before, hadn't you?

A Yes.

Q Let me ask you this. When you say you had looked on the Web sites, did you have a computer of your own? Did you use someone else's computer?

A I had a computer of my own. I used the University computers, parents' computers, friends' computers, just whenever I wanted to use one.

Q Okay.

A Whatever was available?

Q And did the materials that were on the Web site, did you share the information from those materials or print off materials and share them with Peter and [name omitted by Peter Young Support Committee]?

A They would probably see them independently, too. I don't know if we discussed them. I think we probably had other copies, not from the Internet, just around as part of information, just among the mass of different kind of animal rights information through - - giving to people if they were interested.

Q In addition to being available on the Web site, when you attended rallies or meetings or something, did they have copies of The Final Nail available?

A Yes. Sometimes I had seen them, different types of like, information like stalls, information stalls, a stand.

Q And had you, if not looking for the documents with Peter and [name omitted by Peter Young Support Committee], had you at least discussed the ideas that are expressed in the Final Nail about, toward mink farms in particular?

A Yes, we have.

Q Okay. One of the things that, in addition to - - By the way, Peg had placed in front of you Grand Jury Exhibit No. 1. Just looking at that,

it has a Web site [www.envirolink.org/alf/articles](http://www.envirolink.org/alf/articles). Is that Web site familiar to you?

A Yes it is.

Q Okay. And looking at this document, and this was from the document index or chronometer or whatever you would call it. Looks like it was printed in December of 1996. Has an article Many Faced of the Fur Industry, The Fur is Dead; listing types of animals; chinchilla, fox, mink. Listing farms in various states, including Wisconsin. Has an article Free at Last and Maximum Destruction, Not Minimum Damage. Released Mink Can Survive in the Wild. Had you seen these articles before?

A Yes. I'm sure I read the whole thing probably.

Q Okay. Now, in these articles, and then there is also for the same Web site, this is Exhibit No. 4, [www.enviroweb.org/alfis](http://www.enviroweb.org/alfis), which is the Animal Liberation Front Information Service, is that right?

A Yes.

Q Is that what you were talking about earlier in terms of news?

A Yes.

Q This has a listing on this particular page, this exhibit, Animal Liberation Front Guidelines, and had you read the guidelines of the Animal Liberation Front before?

A Yeah. Yeah, I have. I'm assuming they're the same ones written here, yeah.

Q It lists, To liberate animals from places of abuse, i.e., laboratories, factories, farms, fur farms, et cetera, and place them in good homes where they may live out their natural lives free from suffering.

Second objective; inflict economic damage to those who profit from the misery and exploitation of animals.

Next, to reveal the horrors and atrocities committed against animals, and it goes next, to take all necessary precautions against harming any animal, human or nonhuman.

Next, any group of people who are vegetarians or vegans and carry out according to ALF guidelines have to right to regard themselves as part of the ALF.

And, finally, the Animal Liberation Front consists of small, autonomous groups of people all over the world who carry out direct action according to the ALF guidelines.

Are those all familiar to you?

A Yes, they are.

Q Okay. So one of the objectives of the Animal Liberation Front is not only to free the mink, but to try and stop the fur industry, correct?

A That's correct.

Q And so to achieve that objective, to make it not profitable for the mink farms to operate, economic harms to the farms is advocated, right?

A Yeah. It appears to be, yes.

Q And, in fact, when you decided to go out and commit the actions you committed, did you commit those actions with the ideas of those objectives in mind?

A I understood those would probably be definite side effects, but my primary motivation at the time actually really fully related to saving of the lives of the individual minks.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Justin, if I might ask, essentially what happened is somewhere along the line while living with Mr Young and [name omitted by Peter Young Support Committee], you and Mr Young decided that you were going to travel across country and figure out where some mink farms were and release as many mink as possible, is that fair?

A That's fair.

Q And you were kind of on your way to Florida because once you got there, after you released all these mink, you were going to hang out on a beach like any other kid who's 19 or 20 is anxious to do. Is that fair?

A That's correct.

Q And when you do this, in part you want to release the mink and make sure that they're set free. Would that be - -

A Yeah. The idea was to give them the best chance of surviving as possible.

Q Okay. And, but, in doing so, do you think you could have figured out, I mean, the way in which you did it, you essentially came with barbed wire cutters, cut down portions of fences, outside fences and went into the barn type structures in which the mink were kept, correct?

A Correct.

Q And then you would take off the back portions or whatever of the cage?

A Open the cages.

Q Open the cages, tip them over and let the mink run free?

A Correct.

Q Did you assist the mink in getting out of the cage?

A No. They tended to leave, almost all of them immediately. Some of them were, like, curious for a few seconds first, but I think they just - - It's just a very small cage and being curious animals, only one direction to go outside of the cage, so they tended to leave on their own.

Q Kind of mean animals, too? Particularly when held in captivity?

A I don't know. I think they probably don't have a very - - very much love for the people because of their, like negative interactions with them their whole life, but they weren't like trying to attack or vicious. If they felt threatened, like your hand is next to them in the cage, they'll bite you, but - -

#### EXAMINATION

BY MR ANDERSON:

Q Can I clear something up? I'm sorry. Let me clear something up about that, when you released the mink. In your statement to the investigators last week, you said when you released the mink out of the cages, you had cut down the perimeter fence ahead of time, correct?

A Correct.

Q Then you released the mink from the cages and once you had opened the cages, you got out of there quickly, you and Peter, right?

A Yeah. Correct.

Q So if the mink were milling around the farm, not going out of the fence, you just got out of there anyway, right?

A Yeah. Correct. But we would cut down the fences outside ahead of time to kind of aid them in being able to get past the fence.

Q If they found their way out that fence, so you didn't take time to shoo them out?

A No. Probably for various reasons, one just being time and the idea that maybe more would find their way out if all of them had a chance to run around individual going across the fence.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Did you do much research prior to this in terms of the likely survival for these minks if they were to be released?



A Some things. Like, there was an article in there, The Final Nail there, and there's probably other articles on the Internet and I had read things such as this here, No Compromise. Going to go through, and that probably talks about that, too so - -

MS LAUTENSCHLAGER: No Compromise, just for the record, No Compromise is marked as Grand Jury Exhibit 3?

MR ANDERSON: Three

MS. LAUTENSCHLAGER: Is that correct?

EXAMINATION

BY MR ANDERSON:

Q You've heard of No Compromise before?

A Yes, I have.

Q Correct me if I'm summarizing wrong. It's sort of a newspaper, news article magazine or magazine on animal liberation?

A Correct.

Q Does it have different issues occasionally, or - -

A Yeah. It talks largely about things like protests, from what i remember right. I haven't seen any, like, recent copies in a long time, but I had seen that one before.

Q That particular one?

A Yes. But it talks about everything, the issues of liberating animals, issues of the demonstrating, things to talk about. Likewise to distribute information. Like events to go to.

EXAMINATION

BY MS LAUTENSCHLAGER:

Q Is it fair to say that one of your goals was to make sure that in ideal world, that there will be no more mink farms?

A I think that's fair to say. That was part of my beliefs.

Q Part of you actions were to make sure that we don't keep having mink farms around, is that fair?

A Yeah, I think.

Q Put them out of business?

A I think my vision of the ideal world definitely would have been without mink farms.

Q And at the time you left, your thought was kind of like these actions would in part help achieve that ultimate ideal goal? Is that fair?

A Definitely, yeah. Yeah.

Q Okay.

#### EXAMINATION

BY MR ANDERSON:

Q Because the farmers were, whether the mink got out, escaped or not, the farmers were aware that there was someone out there that could take action against them that would cause increased security costs for the farm? They'd have to increase their cost of producing the mink and that that might drive them out of business?

A Well, these are definitely issues that were, that are discussed as part of the idea of liberating mink. But once again, different people - - I mean both people who, like, just like people on the street, I would talk to other people in these organizations, would just have different opinions on their own priorities on what was important, whether it was like the individual mink in the cages or whether they were concerned about more abstract economic things.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Did you talk to Peter at all about what was motivating him to go?

A He - - I don't know if his beliefs would be exactly the same as mine, but I guess, I mean, from my understanding, I guess it would be fair to say that it was just kind of maybe most people's beliefs that I spoke to who believed in the idea that in an ideal world, there shouldn't be mink - - Some sense of understanding of all the different issues.

#### EXAMINATION

BY MR ANDERSON:

Q This is beyond protests, what you guys were doing? This is what is called direct action, right?

A Correct.

Q Direct action means affirmative, physical use of some sort of action against an animal-producing or animal-using industry, right?

A You say against, but it might be - - Actually the terms "direct action" might be taken as direct action for an animal. Not saying against an industry.

Q Getting back to when you released the mink and weren't so concerned about scooting them out, but getting out quickly, was it also, from reading the materials you had also known to you, that once you released the mink from those cages, there was a loss of value of any mink that were breeding mink?

A I was aware of that, but - - but you said I was concerned about scooting out quickly. That also came as a desire not to get caught. I was aware that what I was doing was illegal and there was the concept that if you - - if you get caught, you can't go to the next farm the next day.

Q Not just illegal, but these farmers wouldn't be too happy with you?

A It's probably not the safest to be found either, so - -

Q Right. Right. You understood once you released the mink from their cages, even that action, from what the material advocates, does some harm to the mink farm in not being able to tell which breeding mink are which?

A Yes. I was aware of that.

MS LAUTENSCHLAGER: Let me - -

MR ANDERSON: Okay.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q: Let me get back to you guys hit the road. [name omitted by Peter Young Support Committee] opts out of coming with you. Is that fair?

A I don't know about opts out. [name omitted by Peter Young Support Committee] just wasn't interested from the start. I don't know exactly what [her/his] feelings were. [omitted] just, when the idea was presented to [omitted], the idea of driving to Florida, while on the way stopping through various mink farming states in the Midwest and releasing mink, just for [omitted] own reasons - - I don't know what those were, if it was like legal or personal or beliefs - - [omitted] just was not interested in coming.

Q [Question omitted by Peter Young Support Committee]

A I don't know exactly.

Q You don't know. But later when you ended up in, near Sheboygan, Wisconsin and needed a bus ticket, you knew to call [name omitted by Peter Young Support Committee] out there?

A Yeah, so [omitted] must have -- I don't know if I knew [omitted] plans, but I guess I must have known [omitted] was going out there and [omitted] given me a phone number, so in that case, I guess I probably did know. I'm not sure if it struck me as that big of a deal at the time, but --

Q So the two of you go out. You've got the red Geo Metro and that red Geo Metro is in [name omitted by Peter Young Support Committee] name?

A Correct.

Q And it is owned, though, by all three of you? You ante up a third of the money, or approximately?

A Approximately a third. I'm not sure if it worked out exactly, but --

Q [name omitted by Peter Young Support Committee] said, Go ahead, use the car, but I'm not going with you?

A Yeah. Yeah. It was kind of from the standpoint, even though the title was in [omitted] name, like [omitted] wasn't really the sole owner of it. It was jointly owned. So the two of us wanted to use it. [omitted] was -- We wanted to know if [omitted] wanted to come along at that time. [omitted] didn't need it, use of it, so --

Q So --

MR ANDERSON: Did any --

BY MS LAUTENSCHLAGER:

Q Well, during this time, though, you were not sure that you remembered [omitted] was going out east at the time you left?

A See, I -- It was just a question I wasn't, like, thinking about, but I guess I must have known because I remember I did have the phone number, like how to contact [him/her].

Q So you had it when you left?

A Yes. Yes.

Q Okay.

#### EXAMINATION

BY MR ANDERSON:



Q How much did each of you kick in for the car?

A I don't know. I think around \$700.

Q A piece?

A Yeah.

Q Tell me this. Before you bought the car, did you have a job?

A Yeah. I worked at different places. I had worked at a fast-food restaurant before. I had worked at an engineering firm. I had worked at a supermarket.

Q What about Peter?

A I'm not sure about him.

Q What about [name omitted by Peter Young Support Committee]?

A I believe [omitted] had a job at [omitted].

Q Okay. So the money that was used for the car, where did you get your money from?

A My money?

Q Yeah?

A It came from previous savings, and also because I was a student I wasn't always working, my money was also combined with money like I was getting from my parents from just living off of, so it was a combination of savings or money I had saved and not spent while my parents were helping me live as a student. So, but the breakdown of, like, what part of what, I don't know.

Q When the car was seized in Sheboygan and then held, why didn't you try to get the car back after the police were done with it?

A Well, from my part, I wasn't interested exactly in showing up there soon afterwards because I didn't know, like, my legal status. So I wanted to get better legal information, and I think -- I don't know for [name omitted by Peter Young Support Committee] part. I don't know if [omitted] was very interested in going because maybe a cross between not needing it and not being -- [omitted] not having that much money invested in it and maybe not knowing the legal ramifications, too, and if it was being held as, you know, evidence or something. But that's just conjecture. I don't know.

MR ANDERSON: Okay

EXAMINATION

BY MS LAUTENSCHLAGER:

Q Lets go to the first mink farm that you went to. That was one you remember fairly vividly?

A The name of that?

Q The one in South Dakota. There was a mink farm in South Dakota and you indicated Watertown, South Dakota?

A Okay. Yeah, I believe that was mink and fox.

Q I believe it might of been, yeah. I think so. And it was one that took a while for you, is that correct?

A Yeah, that's correct.

Q Okay. And this is the first one you hit and you had some memories of it because it took a while, is that correct?

A Yes, that's right.

Q Okay. I think you reported to Agent Strong that it was about three hours it took you guys to complete it?

A Yeah. At least, yeah.

Q And at that time it was you and Mr. Young?

A Correct.

Q Who went there? No one else?

A No one else?

Q Is that correct? Okay. And you cut the holes in the perimeter fence and released mink and maybe fox? You're not sure?

A I believe there were fox there. If I told him I wasn't sure about fox, it was because I couldn't remember if that was the farm that had fox. But I think there was one farm with fox and so that was probably it, yeah.

Q Okay. But, and these raids kind of blur together in your memory after a while?

A Yeah. I visited like a week and a half or something like that. It was just different farms, not knowing the area.

Q Do you know about how many you hit during that time?

A Somewhere around maybe six.

Q Okay.

A I was mostly relying on the Indictment to tell me the exact numbers. I don't know if it was seven.

Q Okay. And by and large you ended up executing these raids on farms in South Dakota, Iowa and Wisconsin, is that correct?

A Correct.

Q And you picked the Midwest because of concentration of mink farms?

A That's correct.

Q Indeed, I've discovered Wisconsin has an inordinately high number of mink farms. Is that fair?

A Yeah. Yeah, I think so.

Q And some of these were actually on the western side of Wisconsin, is that correct?

A Yeah. Yeah.

Q Then you went to the eastern part of Wisconsin geographically.

A That was probably the route we took. We were traveling that direction so - -

Q Between South Dakota and Wisconsin, you also made a stop or two in Iowa?

A Correct.

Q Okay. Now during these times you relied on an atlas, is that correct, to find your way around?

A I don't know if it was an atlas or various maps. We had at least two, but - -

Q Do you recall telling Agent Strong that you stopped off oftentimes at the Barnes and Noble bookstore because then you could do some reading while you were there before buying the maps?

A Yeah. Yeah, because we would have to get the maps in, like, detailed outlets. If we had a big road atlas, I wouldn't have detail to go down and finding individual places.

Q Do you remember stopping at the Barnes and Noble in Omaha, Nebraska?

A I don't remember that one individually, but probably did, so - -

Q And you purchased those bolt cutter tools, did you do that along the way or did you use the same bolt cutters. or - -

A We had - - I know we at least probably changed the bolt cutters once, but we did repeatedly use some of them.

Q But you did have a number of bolt cutters and not just the same set?

A Yeah. I think at least once maybe we had thrown them away.

Q Okay.

A But - - But I think we tended to, especially later on, like after the first few days, just keep - -

Q They were getting a fair amount of use or were they just cheap bolt cutters?

A Probably both. We were, you know, using them and they were probably cheap too.

#### EXAMINATION

BY MR ANDERSON:

Q I'm sorry. Does one of the things that, the materials that you've read from the animal version advocate that you not reuse things that can tie you to event?

A Yeah. I think that's information that's probably in The Final Nail, I would guess.

Q Did that factor in throwing away bolt cutters, getting new ones, too?

A I don't know if the idea came from there originally, but the general idea was knowing that they could be linked to you like - - like analysis of the prints and - -

Q Tool marks?

A - - the tool marks, yeah.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Before you get to one of these or when you first get to one of these farms, do you do a bit of surveillance, is that fair?

A Yes.



Q You checked out to make sure there weren't large fences or dogs or things like that that might impede you in your mission. Is that fair?

A That's correct. We would look for, like, a place to park and just like, just kind of get an idea of the layout of the place.

Q Okay. You were using a list from the Final Nail of milk farm locations?

A That's correct.

Q And then you would make notations in your Final Nail copy of these farms and information about the security, correct?

A Yeah.

#### EXAMINATION

BY MR ANDERSON:

Q Let me ask you, did you have, when you went and you were using this list, these various places, did you have any prior reconnaissance information from other people that had been involved?

A No. We just had a list of addresses and it was kind of hit or miss as to whether we actually find them, like because not knowing the area and not -- the addresses, I don't know if I had the impression at the time that whoever made the list probably had never been there. They maybe had just gotten the addresses from some, I don't know, list of businesses or something, but --

Q And the notes that were made on the list were made by?

A Those were made by Peter.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Okay. Peter was the driver during that time, correct?

A He drove because I didn't know how to drive stick, so --

Q Okay. Now despite your lack of memory of specific farm sites, as you mention, they all sort of blur together, you do have some recollections, however, of various incidents which took place during this trip through the Midwest, is that fair?

A That's correct.

Q And among those recollections would be your recalling having your car towed from a ditch that was near a fur farm in Iowa. Do you remember that?

A That's correct.

Q What happened with the car, do you remember?

A How it got stuck or afterwards?

Q Yeah?

A How it got stuck. I think we were maybe a few miles from a fur farm or looking for one and then we were kind of off a main road and, like, a farming area and we were trying to turn around in an intersection, and there was some, like, bushes and it looked like solid ground maybe or something, but the back tire got stuck and we had to have it towed out.

Q Okay. Did you call a tow truck?

A Yes, we did.

Q Okay. Did you communicate with anybody other than the tow truck driver that day?

A Maybe just like a farmer nearby. Not a milk farmer but just a person who owned a nearby farm asking them if they could help pull us out of the ditch, but I don't think he wanted to just because maybe legal things, not wanting, if he damaged our car, if we would be mad at him, so he told us we'd be better off calling a tow truck.

Q You did that then?

A Yeah. Yes.

Q Again this entire time, it's you and Peter Young?

A Correct.

Q Okay. And then do you recall being in western Wisconsin and being interviewed by a policeman at a minimart?

A Yes, I do.

Q Okay. What were you doing at the minimart, do you recall?

A I think we were just reading and maybe it was nighttime and there was lights in there and so we were eating dinner, using, like, hot water and the microwave to heat up some food.

Q Do you recall what part of the state you were in?

A No. No, I don't.

Q Okay. And you were - - Were you in that location as a result of checking out some fur farms?

A Either we were crossing through from one of the previous places and another, or there was a fur farm nearby. One of the two, but - -

Q Okay. Do you recall what the nature of the conversation of the policeman was that night?

A I think he was mostly just wondering what we were doing there, like two kids from Washington, you know, in his, like, town and asking us where we were going and - -

Q You had Washington plates on the vehicle - -

A Yes, we did.

Q - - at the time, too, and this was a small town?

A Yes, it was.

Q Okay. And then do you recall as well running into an Amish farmer in Wisconsin?

A Yes, I do.

Q And was that near the site of a fur farm?

A Yes. I believe it was somewhere near by. I think we were parking the car to get out of the car to go maybe look around on foot, just kind of walk down the main road.

MR ANDERSON: Do reconnaissance on the farm?

THE WITNESS: During the day, to see like what we thought of the place.

BY MS LAUTENSCHLAGER:

Q Okay. Did you talk with the Amish farmer at all?

A Yes. I don't know if we were walking away from the farm, but at some point we got his attention and he told us we were on private property. We had to leave, and so we left.

Q Did you do a raid on the fur farm that was nearby?

A I don't believe so.

Q Do you also recall having contact with a state trooper for making an illegal turn while you were in Wisconsin?

A Yes, I do.

Q And do you know what the circumstances were surrounding that?

A I don't know if it was just we made a U-turn and in some city we didn't know and, like, just not knowing the streets or maybe turned, like, the wrong way down a one-way street or something, but it was a minor traffic violation and I don't think anything more than a citation was, or, like a warning, not a citation. Just don't do it again kind of thing.

Q Okay, And, now, when you had these circumstances where you run into two members from law enforcement and these various farmers and whatever, did that in any way dissuade you from continuing on with the mink release or - -

A Maybe it played some part, but at the time, for myself, I just - - it was kind of just there was a feeling of just wanting to go out and, like, there is these mink in cages and I didn't want them to be there and I knew they were going to be slaughtered for their fur soon and it was kind of like this feeling of maybe making a sacrifice for them. And so that was kind of what was driving me was just this feeling of, it wasn't exactly by the safest, the way that I thought of doing things.

Q You knew the pelting season was coming up?

A That's correct.

Q Winter was soon to be there?

A That's correct.

Q Okay. I don't think we've ever asked you about time frame. Do you recall the time frame, like when you left on this trip and when these releases started?

A I left sometime in early October.

Q Okay.

A And to tell you the truth, the estimate here is made really from the Indictment because I wouldn't remember dates, but, because I've been looking at the materials I've had legally so long, I could tell you it started like the 16th through the 23rd or something.

Q You could pretty much say with certainty it's the fall?

A Yeah. Yeah.

Q In what year?

A In 1997.



Q Okay. Now at some point, though, as you're going to all these fur farms, you end up in Sheboygan County where you're looking at a fur farm, is that correct?

A That's correct.

Q And during that time you ended up with contact with the police in terms of a search of your vehicle, is that correct?

A They didn't search it immediately. They seized it, they said on the grounds of getting a search warrant. That's correct, yeah.

Q Right. And they eventually obtained a search warrant?

A Yeah, I found out later.

Q Now, when they seized your vehicle, what did you do with the vehicle?

A Peter and I were given the option of, by a state trooper, we could either stay there, he could drive us to the station or he could drive us into the town, which I guess was Sheboygan, and just drop us off there because we didn't have a car.

Q Okay. When you were stopped and the vehicle was seized, you were in Oostburg, Wisconsin. Does that sound familiar?

A That sounds familiar.

Q Okay. That's near Sheboygan and, indeed, then they took you to Sheboygan, is that correct?

A Yeah. It was either Sheboygan or Oostburg. I don't know the towns, but it was a town that had a larger, like a gas station and, like, a motel or something and some - - I don't know if it was Oostburg or Sheboygan, but - -

Q And once you were taken to the town, what did you do?

A The first thing we did was I called [name omitted by Peter Young Support Committee].

Q Okay.

A And I told [omitted], like, the car got taken away and I don't - - I don't think anything more needed to be said than that, and [omitted] must of inferred like what Peter and I had been doing.

Q Okay. Well, [omitted] knew when you left that you guys were going to release mink, fair?

A I don't know if it was - - See, there was never, like, definite plans made, but I would guess [omitted] was probably certain we were going to go, you know, do something like that.

Q So when you called [omitted], it's your assumption that [omitted] knows the car has been taken away? You need to get out of there?

A Yeah. That was my assumption. I remember that's kind of how the phone call went.

Q Probably trouble ahead, so might as well get on the next bus to wherever?

A That's correct. I didn't have money for the bus.

MR ANDERSON: [Omitted by the Peter Young Support Fund] didn't ask you a lot of questions because [omitted] knew that, basically, what would happen if you got caught?

THE WITNESS: Yeah. [Omitted by the Peter Young Support Fund] was probably aware that we were doing something illegal related to releasing Mink and so [he/she] had no interest in knowing the details.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Do you recall if you called collect or called on a calling card?

A I don't recall, but -- I don't know. Obviously didn't have enough, like, change because, you know, money to the east coast, so it was either collect or calling card or both. I don't know.

Q So you made the call to [omitted by the Peter Young Support Committee] and what did [omitted] tell you?

A [Omitted] told us that we should -- [omitted] would get us a bus ticket for us and that we should pick up the bus ticket.

#### EXAMINATION

BY MR ANDERSON:

Q Question omitted by Peter Young Support Committee

A That's what I've been told. I at the time --

Q Didn't know that?

A That's what the FBI agents and the proffer told me, but at the time, that was just the number I had for [him/her].

Q Let's make sure this is clear because there's a couple places in the statement that you're talking about [name omitted by Peter Young Support Committee] and I'll tell you what the reports says here initially. Samuel stated -- this is before you went on the trip -- Samuel stated that he and Young had planned to take the car across

country to visit Florida, and along the way they would hit a few fur farms to release mink. Samuel stated he'd visit Florida, relax on the beaches. Samuel stated that this plan was discussed with [name omitted by Peter Young Support Committee], but [omitted] stated [she] was not interested in getting directly involved with the release of these animals. Is that correct?

A That sounds correct.

Q Samuel stated that he, Young and [name omitted by PYSC] had general discussions about their previous involvement in the animal rights movement and [omitted] gave them consent to use the car titled in [omitted] name to take this trip.

Is that right, you discussed your prior involvement in animal rights and [he/she] said, Go ahead and use this car for this trip?

A See, as far as the way it worked, that's - - that's maybe one way to put it, but I don't know if it is misleading because the way we saw the car was just jointly owned it with - - It wasn't, This is my car and you can use my car to do this. It was just kind of, look, you don't need the car. We want to take this trip and it's our car, too. And [omitted] is like, I don't need it and I don't have an interest in coming. That was more to the point. You can - - You can phrase it like that that from a title ownership

Q To the extent [omitted by the PYSC] had ownership interest in it, [omitted] allowed you to use [omitted] ownership interest for this trip?

A Yeah. [omitted by the PYSC] had no - - no use for the car at the time, so [omitted] was not concerned with us using it for whatever purpose, whether it be to travel or releasing mink. It was just [omitted] didn't have a need for it.

Q And in planning this, you got - - you got the fur farm list? Peter went and got some other addresses of fur farms from the library or some other source?

A I don't know where they came from, but probably the library I think, yeah.

Q And so when you started out on this trip, although you say your ultimate objective was Florida, it was intended to be part of the trip that you hit these mink farms and release mink, right?

A Correct. That was part of the plan Peter and I had, was that it wasn't just one or the other. It was this kind of - - It was a dual-purpose trip. It wasn't just a trip to Florida and it wasn't just a trip to go release mink. That we also wanted to travel and so - -

Q And it's those plans you also discussed with [name omitted by PYSC] and tried to encourage [omitted] to come along, right?

A I don't know about - - I don't know if it was, like, forcible encouraging. I don't know, but - -

Q You asked [omitted]?

A We asked if [omitted] would be interested and I don't know how indirectly because there is kind of a thing where, you know, you don't know, like, what people really think about, you know, what people think about these things happening. But you don't know what people think about being more closely involved, this kind of thing, and so you're kind of concerned about asking someone. I don't know how indirect the asking was, or how indirectly.

EXAMINATION

BY MS LAUTENSCHLAGER:

Q The three of you are living together at the time, is that correct?

A No. No. No, not - -

Q You weren't in the house at the time?

A The house?

Q Mercer Island.

A That was shortly - - a short period thing so - -

Q [Omitted] knew you were going? And by and large knew the purpose of your trip and - -

A Yeah. I would say [omitted] generally knew that we had plans of releasing mink, but as to whether, like, you know, how - - how directly we laid out for [omitted], like what we were going to do, I don't know. Kind of concerned indirect conversations maybe Peter and I had with [him/her].

Q Is it fair to characterize this as not that you all sat down and had a single conversation saying this is what we are going to do and these are the farms we hope to hit, et cetera, but, instead, during the course of your regular contact with one another, things came up like, well, we're going next week. You sure you don't want to come along? Something like that, where things would come up incidentally within the course of regular conversations? Is that a fair characterization?

A Well, see, it's been a couple of years, first of all, and I would also assume - - I guess my point here is I don't know how direct the conversation we ever had. Maybe they were - - Definitely it wasn't never known, like, what farms, or, you know, what states or things. It was just kind of this general plan, we think we want to do this and we're pretty sure we want to do this and we want to go out and see how it works. We don't know what it's going to be like, so - -

EXAMINATION



MR ANDERSON:

Q But you definitely had a plan to attack fur farms, although you didn't discuss details? You didn't plan out details, this one we're going to hit, that one we're going to hit, you didn't plan that, right?

A No, Peter and I had - - By the time we left, we were definitely sure we were going to mink farms in the Midwest.

Q That's what you told [name omitted by the PYSC] you were going to be doing on the trip?

A I don't know how directly we stated where we were going or these kind of things, but I think it was made clear to [omitted] that our interest was into, like, if [omitted] wanted to come, we would like [omitted] to come and help us.

Q [Name omitted by PYSC] statement was to you, correct me if I'm wrong in paraphrasing this, was [he/she] didn't want to be that directly involved, right?

A I don't know - - I don't know if that's a proper paraphrase. I think - -

Q How did [omitted] put it?

A I think it was like - - [omitted] really didn't want to be, like involved in any way. I don't know if [omitted] was aware of any complications with - - [omitted] knew the title was in [omitted] name. I'm sure I couldn't - - [name omitted by PYSC] is not dumb. [Omitted] probably was concerned about that, like not wanting to participate by having the title of the car in [omitted] name, but it wasn't like, I think, it wasn't an issue of a degree of close involvedness. It was an issue of probably having some idea that - - of what we were about to do and not wanting to be involved. But to say not directly involved, my concern there is like saying [omitted] was somehow, like, participating in some noncage-opening way. But the extent of the help was just to, as a personal level, not on an animal liberation level. But, for example, when I called [omitted] and I needed a bus ticket because I didn't have any money - -

Q Right. So [omitted] had an idea, knew what you were going to do with the discussions you had and chose not to come along to be that directly involved in it.

A You say "that directly involved." I just don't know. It just depends what you consider, like directly. You say - -

Q [Omitted] chose not to come along, but did, gave - - knew what you guys were going to do and supported your ideas and your efforts in doing that, right?

A When you say supported ideas and efforts, I think would, as part of, like, these, for example. That's what everyone else in the animal

rights group on campus supports the ideas there, but that doesn't necessarily mean that - - [omitted] aided us in, you know, doing things like purchasing materials or researching. But to say [omitted] had similar ideas, I think we talked about that before, is that all of us in this group kind of had the same ideas about animal suffering.

Q So when you were stopped and called, [omitted] didn't need to ask any questions because [omitted] knew what you were up to?

A [Omitted] knew we were going to do something illegal and on the way to Flordia, releasing mink.

Q [Omitted] arranged to get you the bus ticket in Milwaukee, right?

A Yeah. I don't know if it was Milwaukee or - -

Q Well, you get bus tickets from [omitted], correct?

A Correct.

Q And [omitted] got those tickets in a fake name, right? False name for?

A I believe they used different names, yeah.

#### EXAMINATION

BY MS LAUTENSCHLAGER:

Q Okay. You told Special Agent Strong that you had used different names so that - - Let's see. Where's the part here?

A I'm not sure - - I'm not sure if we had our I.D. Maybe we gave I.D. and we didn't want to use our names because of maybe not knowing the legal ramifications of being stopped and wanting to leave a trail of, like, where Peter and I were going to go.

Q Do you recall telling Mr. Strong, We went to the bus station where you'd be wired a pair of bus tickets that you could pick up utilizing a code word because you could not use your real names?

A Yeah. Yeah.

Q Do you recall the code word?

A No.

Q Okay.

A No.

Q It was some other name, is that - -

A Yeah. Probably just John Smith. I don't know. Just something.

MR ANDERSON: That was [omitted] idea to do this, right?

THE WITNESS: I'm not necessarily sure that's true.

BY MS LAUTENSCHLAGER

Q Let me start with this. You call [omitted] and [omitted] says, Let me get you some bus tickets?

A No. We call up and say, Can you help us? Can you get us some bus tickets to get out of here? We did not have anything.

Q [Omitted] says yes?

A [Omitted] says yes.

Q Did you ask from where [omitted] is going to get the money none of you guys had?

A You say none of us. [Omitted] had been working. [Omitted] had been working before we left. I never knew [omitted] to be poor, have trouble paying the rent, so some bus tickets I guess I wasn't concerned about. Peter and I didn't have much money when we were stopped. And the car, we spent money on gas and stuff. I'm not sure if we left money in the car.

Q So you didn't ask [omitted] the source of funding for these bus tickets?

A No, I didn't. I kind of assumed [omitted] was paying out of [omitted]'s own pocket because I wouldn't see a need for [omitted] to take a loan from [omitted]'s parents to buy some bus tickets or anything.

Q So you get these bus tickets and you're in, is it Milwaukee, I believe?

A I'm not sure exactly. Sheboygan or - -

Q Milwaukee, okay?

A Okay.

Q It was one of those cities. Did you go anywhere from the time the trooper dropped you off till the time you picked up the bus?

A It might have been Chicago. I don't know. We took a bus from the original place, whatever, Oostburg or Sheboygan or some Wisconsin town  
- -

Q In eastern Wisconsin?

A Yeah, to, I think it might have been Chicago. Just a big city where there's a Greyhound station and then from there.

Q Okay, Do you know how you got the tickets from the location in Wisconsin to Chicago?

A From the location, I think -- I believe we used possibly our own money to get to a large Greyhound station. Just a short ride, but we needed more money for, like, a trip to get a ticket, for example, to Washington DC, which is where we went.

Q Okay. You got the tickets in Chicago and you go to Washington DC, is that correct?

A That's correct.

Q And when you get there, what do you do?

A When we get there, we decide what we want to do basically. For myself I -- at the time we didn't know what was going to happen with the car. We knew it had been seized and we knew they were going to try to get a search warrant, but we didn't know what would happen if they'd get a search warrant, if there would be charges against us.

Q You figure there might be a possibility of trouble, though, in terms of some sort of legal ramifications for your actions?

A Yeah. Yeah. For myself, what I was really interested in was kind of having some kind of watch what was going to happen and think about it. Take -- You know, just kind of go my own pace and not have it dictated for me in the sense that I wanted to have some distance. You could say be hidden, but the idea was I'd just kind of be able to watch and find out what was going to happen.

Q What did you do then when you got to Washington?

A When I got to Washington, I decided I wanted to actually start traveling in Europe, so I asked [name omitted by PYSC] for help to get a plane ticket to England.

Q And you got a plane ticket to England?

A Correct.

Q And who purchased that?

A [Name omitted by PYSC] did. I asked [omitted] to buy me a plane ticket. I didn't have money. Peter didn't have anything either, so --

Q Did [Name omitted by PYSC] have money to buy you a plane ticket to England?



A [Omitted] got a plane ticket to London.

Q [Omitted] is starting to cough up a lot of cash for you guys, isn't [omitted]?

A [Omitted] is a good friend. I don't know if it's really that expensive if your best friend comes to you and says, Look, I need a couple hundred dollars or even a thousand dollars or something and they're in real need and they're a very good friend of yours. I don't know that's exactly like, you know, cutting off a limb or breaking the bank to help someone out with a plane ticket who's really in need or perceives themselves in need, so - -

Q Okay. And then, so, [omitted] gets you a plane ticket to England?

A That's correct.

Q Did you stay in Washington for long before you left for England?

A This is an issue I would actually like to talk to my lawyer, if you want to continue here with these questions.

Q We'll get your lawyer. Actually, while Bob is doing that, why don't I ask you some questions along a different line? Do you recall what Peter did when he got to Washington?

A He didn't want to travel outside the country, to leave the country. But, beyond that, I wasn't sure what he was going to do.

Q Did you spend any time with him while in Washington?

A Well, we were discussing, like, a lot along the way what we were going to do and I think it was - - I kind of remember deciding that there was maybe no reason to really directly, like, know where, what the other person is going to be doing.

Q Okay.

A And where they're going, just as long as we kind of knew we didn't want the same thing, so - -

Q Okay.

(Recess at 10:36 a.m., until 10:45 a.m. for the witness to confer with his counsel off the record.)

BY MS LAUTENSCHLAGER:

Q Justin, just a couple more questions. First of all, getting back to where we were, you got to Washington DC, is that correct?

A That's correct.

Q And at that time did you stay in Washington DC for a brief period of time?

A No, not for very long. I had decided I wanted to take a plane out of the country to go to England, or actually just to Europe anywhere. I wasn't too concerned with where, but I had to wait somewhere until, like, the plane ticket would be purchased and the date for the trip would come on.

Q And [name omitted by PYSC] was the person who helped you purchase a plane ticket?

A That's correct.

Q And [omitted] did indeed purchased the ticket?

A [Omitted] purchased it. I didn't have any money, so - -

Q And between the time you caught the plane to Europe and the time you arrived, from the time you arrived in Washington DC until the time you caught the plane to Europe, did you spend some time in the Washington DC area?

A I spent - - [name omitted by PYSC] arranged for me to stay somewhere in Maryland until the time where I would take my plane.

Q Do you recall the name of the city in Maryland where you stayed?

A No, I do not.

Q Was it near Washington DC?

A I don't know East Coast geography. I think Maryland is next to Washington DC.

Q You didn't stay with [name omitted by Peter Young Support Committee], did you?

A No. [omitted] arranged for a place for me to stay.

Q Did you stay in a home?

A I stayed in a home.

Q Do you recall the people with whom you stayed?

A I would like to speak to my attorney.

Q Do you know anything about the way in which [name omitted by Peter Young Support Committee] made arrangements for you to stay?

A No, I do not,

Q Okay.

MR ANDERSON: Whoever it was that you stayed with, did you talk with them about what had happened, about your trip and - -

THE WITNESS: I would like to talk to my lawyer.

BY MS LAUTENSCHLAGER:

Q Okay. Did you then go from Maryland to New Jersey? Is that correct?

A That's correct.

Q And - -

A I left from - -

Q How did you get from Maryland to New Jersey?

A I was driven.

Q Okay. And when you were driven to New Jersey, you took a plane flight to Europe, is that correct?

A That's correct.

#### EXAMINATION

BY MR ANDERSON:

Q Do you remember back in 1980 - - I'm sorry - - 1996, you and Peter Young and [name omitted by PYSC] were talked to by a news [REDACTED] from a newspaper when you were - -

A Yes. Yes, I do.

Q - - involved in some sort of protest?

A Various times, but I'm sure the one you're talking about is the one in the discovery material.

Q Yeah, the one article in the discovery material?

A It wasn't weird to talk to [REDACTED] because that was a lot of the point for Students for Animal Liberation is media and talking to [REDACTED]

Q Right. So you remember having done that, right?

A Various times, yeah.

Q And is it correct that you stated, Economic damage is the ultimate goal. As soon as it's not profitable, these businesses will stop doing it, and you're referring to animal production businesses?

A Yeah. Specifically, actually, in the sense that's kind of a case of [REDACTED] sensational line-grabbing. It definitely, like, was a statement I probably said. I'm guessing something along those lines, but I think it related directly to something that occurred nearby, and the [REDACTED] had come to ask the group, Student for Animal Liberation, on campus, like, why is it that people do these thing, and various people in the group, like chipped in. That was my two cents worth was that's why people do these things, because as soon as, like, the actions are not profitable, they don't do these things because that's - - We were a group that would speak for the actions that were done just based upon our knowledge of reading these materials. And so, regardless of, like, you know, personal beliefs, that question actually was answered in regard to an event that happened nearby that was in the media.

Q Right. But that was your belief and your association with this animal rights movement, right?

A I think it's more than - - I think it would be anyone's belief that if something isn't profitable, that people don't do it. As far as answering that's my belief, I think I just said that.

Q It's not your interest in market forces, but by the actions of the animal rights group that you may be acting on, you're hoping that that dissuades or causes the economic harm that could cause them to go out of business, right?

A Well, at the time I was - - I was a believer in just the idea that, like, animals should not be used that cause them to suffer, and so I think I would have just about agreed with anything that wouldn't cause injury to person or animal. So I would say that was probably true, that you could say that statement. Even though it was meant for applying for some action for someone else, probably could be applied to my beliefs, too.

Q One more thing. In the material you had when you were stopped in Sheboygan, in the address or phone number list was the phone number of [name omitted by PYSC], right?

A That's what I've been told.

Q And you knew [name omitted by PYSC], correct?

A I may have met [omitted]. I did not know - - I do not and do did not know [omitted] personally.

Q Were you at, maybe the year before this, at a protest at UC Berkeley where you and [name omitted by PYSC] were both arrested?

A No.



Q You don't - -

A Not that I recall. I don't think I was ever at a protest at UC Berkeley.

Q Okay. Why did you have [name omitted by PYSC] phone number in your materials?

A I was not aware it was there until I was informed of this a week and a half ago.

Q Who's phone number was that?

A The possibility of that was arrived at when I spoke with the FBI. I probably had the number for maybe some other person, or someone had given it to me as a contact number for them at some point where they were living. But as far as I it being [name omitted by PYSC] number, that was not the reason I had it, if I did. It might have also belonged to someone else. I don't know. I could have it. I just don't know.

Q When you took any of the actions you did, the attacks on farms we talked about, did you contact someone from the Animal Liberation Front, from the press office, the Information Service and tell them that you committed the action?

A No, I did not.

Q Okay. The Animal Liberation Front adopted as one of their actions the attack that you made at the Turbak Mink Farm in South Dakota. Did you know that?

A Not necessarily, no, I didn't.

Q They keep a diary of actions on the website, too, right?

A I think they tend to. It's kind of my belief that they list just about everything that comes out in press articles.

Q They did that then? The fact the Wisconsin farms were attacked would have been listed as an ALF activity, too, wouldn't it?

A I was assuming they were. Probably everything that happened was listed because I think it was all in the media. It was, to my - - It was kind of my assumption that everything - -

Q Had you ever seen the Diary of Actions, this kind of thing?

A I've seen it. I think it's in No Compromise even, and on the internet, so I've see it before.

Q Did you see the Diary of Actions after the events took place you were involved in?

A Sometime between now and then I probably had. I don't know what I took not of.

Q My point is it lists October 17, 1997, Watertown, South Dakota and what happened there, and it registers that as an ALF attack. But, in contrast, the attacks in Independence, Tomahawk and Medford, Wisconsin, the farm, the other farms in the Indictment that we talked about, those are the ones, when you got caught in Wisconsin, and you were associated for certain of those attacks when you were stopped, right?

A Could you repeat that?

Q You were, at the time you were stopped in Sheboygan, they were associating you, connecting you with those raids, those attacks in Wisconsin which is one of the reasons you were stopped, right?

A Yeah. I think they were associating it. I assume, like, with all the raids in South Dakota and Iowa, too. I thought that was kind of all connected the area. Arbitrary state borders I assume.

Q You didn't know at the time they had connected you to the South Dakota raid because you got away from that and weren't caught in South Dakota, right?

A I don't know if I was looking at it like that specifically. I was mostly concerned there was going to be some charges made against me. I don't know if I was thinking about the ramifications of being in one place and not in the other.

Q The point I want to get at here is did you communicate with anyone from the Animal Liberation Front or press office or Craig Rosenbraugh, David Barbarath, any of those people to let them know of these actions that you had committed or that you had been stopped in Wisconsin and they should not claim those actions in Wisconsin, to disassociate themselves from those?

A No. I had no contact with these people.

Q So they knew this independently?

A They - - Yeah. They knew it independently.

Q And although I think you said earlier you didn't consider yourself a member, or did you say you did?

A See, I don't know. I guess it was, from my understanding, that this is my personal understanding that I had at the time of what the Animal Liberation Front is, is it's just a name that someone puts on some actions. It's not a real organization and it's just kind of, I don't know, for media purposes or for putting on information. But I guess I never really considered it an organization you could or couldn't be a part of as far as, like, membership organization kind of things go and so I never really concentrated, focused that much on it, whether I did or didn't consider myself.

My interest was more in, like, actually like going out and releasing mink. Not whether or not I would consider myself part of some organization.

Q The Diary of Actions I referred to is Exhibit No. 5. And, but even though you state what you state in regard to your consideration of membership or non-membership, they adopted you as a member of the Animal Liberation Front and used you as somewhat a poster boy for prisoners of war, didn't they?

A See, I would - - I think - - It makes sense, I guess. The way I see it is that if there's a group who believes in releasing, you know, mink and liberating animals and someone gets arrested and charged with this, that they're going to, you know, claim them as, like, you know, one of theirs. If they did or whatever, that at least they're going to support them.

It's like part of the same cause because they make assumptions, if the person is charged with it, even though I at the time, if they did that, I hadn't been found guilty. They - - It seems to make sense to me, I guess, if that's what you're asking.

Q So they established a support group, a support fund for you, right?

A Yeah. I think there's support, like fund out there, just people who never met me who, like, read in the paper that say, oh, such and such a person, some person somewhere was arrested and is charged with such and such, and they have maybe similar beliefs or whatever and so they want to give money, whether or not they've ever met the person, whether or not they - - maybe they - - I don't know. They would have no reason to know what the evidence or the situation is, but just people who hear a name. It could be any name. The just want to support the person. Yeah, those exist.

Q Right. Exhibit No. 7 is a page, some pages from a website that - - your support website?

A That would be the Justin Samuel Support Fund, yes.

Q That's a picture of you?

A That's a picture of me.

Q That's Belgium or something?

A It looks like it. I was probably younger.

Q The support fund, do you know who's in charge of that?

A No. I know - -

Q Are you in communication with them?

A I think my dad actually is running the Justin Samuel Support Fund in the State of Washington. Just like of people want to send money, because he's helping me with, like, the legal cost and so, like, really it's, like, an attempt to get money. So there's a post office box that he had set up in Seattle. That would be it.

Q Legal defense fund?

A Yeah. Keep in mind that this is an issue where it's been an expensive legal thing and if there's people out there who want to give money, they never met me and they just want to give money to help me for - - whether they want to, they believe in the justice of the system and they want to see justice, true justice served or they want to see me get out, whatever their beliefs, they want to give money, and my family and myself are more than happy to accept it.

Q Have you had any communication with anybody else that's running these funds?

A I've received letters from people who consider themselves part of my, like, support group when I was in Belgium. I had my - -

Q Beyond moral support? People - - I'm talking about people that may be in control of the funds? Did you know there's a Justin Samuel Support Campaign Fund in Europe? In London?

A I think there is, yeah. There's just different, in different countries. There's people who set it up, like in that country, because they have their own, like, magazines and stuff. Like, for example, like this seems to probably be a U.S. thing, and I'm sure that there's, like, these same groups in, like, England, and so someone sets it up in England.

Q Okay, and in Canada, too?

A Probably, yeah. Yeah. From My previous - - Back when I was involved with Students for Animal Liberation, I remember the office for one of the support groups being in Canada, so, yeah.

Q So you know they categorized you as a prisoner of war, right?

A Yeah. They take that upon themselves to call me a prisoner of war.

Q And one last thing. One last topic. Since you were involved in this and took off to Europe, have you had any communications with [name omitted by PYSC] since then?

A I think I'd like to speak to my attorney.

Q Okay. How about contact?

A I don't know. I guess I'd like to speak to my attorney. This is within the bounds of - -



Q I'll ask you another question. Have you had any contact or communication with Peter Young?

A I think this is in the bounds of - -

Q Okay. All right. That will be all then. Any questions from the grand jurors?

A GRAND JUROR: Mine is - - I'm just a little confused, I guess on this. [Omitted] helped you out on the bus and on a plane ticket or whatever. Why would you and [omitted] have a car together? I guess I'm confused.

A We had originally purchased the car back in Seattle because it was a time where we all had thought we might want to travel. We were moving out of our apartments. I had just left the University. I think [omitted] had graduated and maybe was leaving the house or apartment, so it was kind of a way to be able to transport things. We probably used it for, like - - like setting up information stalls and going to protests and these kind of things, too.

Q So both of you had to but, but didn't have enough funds - -

A Actually all three of us, Peter, [omitted] and myself contributed.

Q None of you owned your own vehicles?

A No. I'm not sure if [omitted] owned one and sold it. I don't know.

Q You didn't own one?

A I didn't own my own vehicle. I had been using my parents' vehicle until then.

Q Why would you buy a vehicle you can't drive?

A Why would - - Because I knew we - - I wanted to travel. Like that was one of the reasons we bought it, was to travel.

Q But you can drive it. It's a stick shift. Why would you buy a vehicle you can't drive?

A Well because if you want to travel, you want to be able to, use your - - use it for purposes, such as I wanted to help contribute, to use it for things like settin gup information, like stalls and going to demonstrations and things, and to me it wasn't that much money at the time. And even if I can't use it, the two other people who purchased it - - Well, I spend time with them and they know how to drive and we do a lot of the same things together, so I wasn't that concerned with it.

Q But you don't know how to drive it. Who's name is on the title of the vehicle?

A Who's name? [name omitted by PYSC]

Q [Omitted] let you guys take the car, though, and knowing that you're going to be doing something that would -- say -- that's a --

A [Omitted] name is on the title. I'm not sure if it was for insurance reasons or what because [omitted] was older and I think I probably had some effect on it. I'm not sure exactly how arbitrary their decision was, but, yeah. I don't know how big [omitted] concerns were. I'm assuming they must have been large I'm assuming, after calling that day, that must have been one of [omitted] major thoughts. I don't know, but --

MS. LAUTENSCHLAGER: Let's start over there and work this was.

A GRAND JUROR: I've got a few of them. You worked at a -- Are you a vegan?

A Yeah. Yes.

Q You worked in a fast food restaurant?

A Yes, I did.

Q Did you get squeamish when you handed someone a burger?

A At the time actually, when I started there, I was -- I still ate some animal products. It was later on. That was before my time I was going to the University. That was years ago, but I had saved up money that, knowing I was going to the University. That was part of the reason I was working there.

Q Okay. So your parents are paying for your lawyer right now? Legal counsel?

MS. LAUTENSCHLAGER: We don't really want to get into some of that unless it's directly related.

A GRAND JUROR: I think it directs to it. I do. Is a fund paying for it, or -- Does the fund pay for it or is the parents supporting your whole legal counseling?

A I guess I would have to help you be clear. The fund site is an appeal to anyone who, for any reason, wants to send money to me to help my dad. Actually my mom has told my dad she'll pay him back, but my dad is bearing the burden of it and he's willing to take money from -- I am, too -- for whoever wants to give it, for their personal reasons, whether they know me or not, whether they think I've done the things I've been charged with before or not. So it's -- I don't think it's anything my dad would be, like, ashamed to tell you he's the person who collects the checks from the Justin Samuel Support Fund. But that's the point of it to just, you know, help pay for any legal costs, whatever people's motivation for giving it is.

Q On your trip, who paid? Who paid? How did you get money for your trip, though?

A We had - - We had saved up money beforehand. We were - - We had a car that was gas efficient. We weren't like, really, like, throwing out everything along the way, like we talked about before. We'd maybe done that like once, but we actually ended up keeping most of the stuff and just kind of traveling fairly cheap.

We, you know, didn't eat at expensive restaurants. We had sleeping bags and so we would just, like sleep in the car along the way. So it wasn't very expensive to be able to take this trip. The biggest expense was maybe gas and that was fairly cheap.

Q Okay.

A GRAND JUROR: I think I missed it. From the time you arrived in DC, until the time you left for England was how long? Was it a week? Two weeks?

A About a week.

MS LAUTENSCHLAGER: Somebody up in the front, I think?

A GRAND JUROR: I have a question. Was that the first time you'd gone to Europe?

A Yes, it was.

Q So you had to wait to get a passport?

A Actually I had a passport. I had traveled out of the country before, like down to Mexico with my parents, so I did have a passport already.

MS LAUTENSCHLAGER: Do you remember when you obtained your passport?

A It was right after I had - - It was in the period of time where I was waiting to get the plane. That was one of the reasons I had to wait was I had to get my mom to send it to me. It was at [omitted] apartment at the time.

Q Okay. Okay.

A GRAND JUROR: When you had the Geo Metro, what kind of car did [name omitted] have at the time when Peter had the Geo Metro? What was [omitted] driving back in Washington?

A It wasn't just - - What do you mean?

Q Did [omitted] have a separate car besides that trip?

A When we left on the trip? I'm not sure if [omitted] had a car.

Q Right. How much did the bus ticket cost?

A I don't recall. The cost was probably, from Chicago to DC, somewhere between 70 and 200. I don't know.

Q How much was the airline ticket from New Jersey to Europe?

A That's a good question. Probably 400 to 700.

Q If the three of you didn't have resources, how could [name omitted by PYSC] personally pay for that?

A To say we don't have resources - -

Q You would have bought a nicer car than a \$2000 car probably if you were planning on taking it across the country?

A I'm not sure. We were looking for gas economy.

Q My point is what is the likelihood [name omitted by PYSC] was reimbursed by the ALF for the money put out for the bus and airline tickets?

A I don't know. That would be pure speculation. All I know is I asked [omitted] to help me out with the money. I had no reason to believe [omitted] was in financial difficulties. I would say [omitted] was financially the best off from, like, the three of us and - -

Q Did you and Peter discuss possibly [omitted] could go to the ALF and be reimbursed for that?

A No, we didn't.

Q How did you get your spending money for Europe? Basically you had no money.

A This would be, seeing that has become like a travel issue, it's out of the bounds of this Indictment, these questions.

MS LAUTENSCHLAGER: We have a plea. The witness - - What you should know is that pursuant to Mr. Samuel's plea agreement, he has agreed to cooperate in terms of informing us what happened within the Indictment. Right now, part of our discussion with his attorney goes to the issues of how far past the actions indicated in the original Indictment may we discuss with him. So that's part of the issue here. So, do you want to put it on hold or call the attorney?

(Whereupon a discussion was had off the record between Attorney Lautenschlager and Mr Anderson.)

Q Why don't you go get the attorney?

A GRAND JUROR: Have you paid [omitted] back for the plane to Europe?

A No, I haven't.

Q Do you have any intentions of paying [omitted] back half of the car that got confiscated?

A I may have to work that one out in the future. I don't know. I'm not in contact with [omitted] now. I don't know how, like, things are, so -  
-

Q Did you partake in any actions prior to your swing through the Midwest?

MS LAUTENSCHLAGER: That's outside the scope.

A GRAND JUROR: Do your parents share your views or are they supporting you because you're their child?

A I don't know if that's outside the scope, but I'd be willing to answer it. I don't know. I think, like, the largest portion is definitely they love me and they want to - -They give me the best opportunities possible, and so - -

Q I mean, are they vegetarians? Do you talk about this at home, or this is strictly what?

A They eat animal products. I think they're maybe sympathetic to some degree with, like, the idea of having of having strong beliefs in, you know, maybe - - maybe my mom more to these specific beliefs, but I wouldn't - - I guess they don't go to, like, protests and rallies and stuff and this kind of thing, if that's what you want.

(Recess at 11:10 am, until 11:11 am for the witness to confer with his counsel off the record.)

Q The question was how did you get your spending money in Europe? Basically you didn't have money for a bus ticket, airline ticket. Where were you going to finance yourself when you went to Europe? Work? Do what you could to eat?

A I planned to work, work odd, various odd jobs I could find. I did things like performing music with people. I lived cheaply, very cheaply; like a sleeping bag, a backpack and tent, often with - - staying with friends I would meet for periods of time. So I never, like, was paying for, like, an apartment. I was either staying with someone or traveling from one place to another, so I didn't need outside funds to support myself, if that's your question.

MR ANDERSON: But the people that you stayed with in Europe were people who were being helpful and supporting you because they had similar ideas, right?

A Actually, not necessarily. I just did a lot of traveling actually the two years I was gone and met by and large the people. Many of the people I met probably didn't know my beliefs. The people I stayed with and those that knew my beliefs didn't know nothing about these things that happened before.

Q They weren't associated with the animal rights movement?



A Some probably were associated, but the majority were not.

Q Did you ever in your stay in Europe receive moneys from the Animal Liberation Front?

A No. No, I did not.

Q And I asked you before, since leaving the United States and until now, have you had contact with [omitted] about the events of this whole case?

A Yes. About the events?

Q About the events? Have you talked with [omitted] in general?

A Yeah. I saw [omitted] once in Europe.

Q [omitted] came to see you?

A Yeah. Maybe, like, I don't know how long afterwards, but sometime in 1998. Maybe summer, and I met [omitted] in Belgium and we spent some time together with friends.

A GRAND JUROR: When your car got confiscated and you go on this bus ride, and then you go to Washington and then all of a sudden it's - - Did it just pop in your mind, this is a great time to go to Europe?

A Actually I had interest in continuing traveling. I was going to Florida, but I didn't - - I had left the University. I found I wasn't interested in what I was studying and even though I was going to Florida for that winter, I had some interest in traveling beyond Florida. Maybe - - I don't know - - to Europe or maybe Mexico. I didn't know where.

I was actually just really truly interested in traveling, and so it was kind of maybe a dual opportunity here.

Q Right, but if you were traveling in a sleeping bag, and you were just going to be going to Florida and you were in a car and you had very limited money, now all of a sudden, hey, I'm going to jump on a plane and I'm going to Europe, you know, this doesn't - - it just doesn't calculate, that all of a sudden, after you're - - after your car gets confiscated, now all of a sudden it's a great idea to jump on a plane to go to Europe. Only now I have enough money with good gas economy car to go to Florida and sleep on a sleeping bag on a beach.

A I guess I wasn't that concerned with kind of the future cautions and like, you know, worries about where the future money will come from, this kind of thing, that a lot of people were. Maybe it's because of my age at the time or my fascination with, like traveling or whatever, but I wasn't too concerned about it.

I thought that, say this never happened, I did end up in Florida and I maybe would get a job, you know, and live cheap and save up like that, a few thousand dollars and go traveling, or I just wasn't concerned about always having money for the future. If I wanted to travel

suddenly, then I would go get myself a job or find the resources and travel.

Q Was your airline ticket to Europe one-way or two-way?

A I believe they only sell two-way because countries won't let you sell a one-way ticket. They want to make sure you can leave too.

Q You're incarcerated for what now? For these actions that you did with the mink?

A Yes.

MS LAUTENSCHLAGER: The nature of the plea agreement is he pled guilty to several counts in an Indictment issued by a previous Grand Jury, and part of the issue involving the plea agreement was that Justin would come in front of you today

A So far I was waiting until trial, though.

Q Since you entered a no contest plea.

A Guilty plea.

Q Guilty plea on two counts of the Indictment.

A GRAND JUROR: You said you're 21 and [omitted] is as old as you? Older?

A [omitted] is older.

Q How old?

A A few years maybe. Seven or nine years.

MS LAUTENSCHLAGER: Yeah.

A GRAND JUROR: Did you have an association with a [REDACTED] or Breakfield?

A I remember having met him back in Seattle, but I was not a good friend of his at all.

MR ANDERSON: He was in the house in Mercer Island with you guys?

A To my knowledge it was probably other people staying off and on in the house maybe. I don't know. That wasn't really a house I was living in.

A GRAND JUROR: We couldn't call, like, the three of you were really a group? He was not part of that group then where you, you know, discussed your actions?

A No, he was not.

EXAMINATION

BY MR ANDERSON:

Q The Straight Edge materials, the stickers, the shirts that were in the car, those are Peter's?

A They weren't mine, so, yeah. I believe they'd be Peter's, yeah.

Q It was Peter's? Was Peter, did he consider himself, hold himself out to be sort of Straight Edge?

A I guess you might. I guess these are issues you'd probably want to ask him. It would be in a sense conjecture for me to speak for him, but  
- -

Q Do you know what Straight Edge is?

A I'm aware of it. It's a group of people that don't use drugs.

Q Also vegans, too?

A I've met Straight Edge that aren't vegan.

Q They tend to be?

A Definitely. Vegan - - Straight Edge is a way of saying it, but, no, I know a lot of Straight Edge people who eat animal products.

Q But Peter doesn't? Peter doesn't? Peter is vegan Straight Edge?

A Peter would consider himself vegan and Straight Edge, so - -

Q Do you think Straight Edge fueled his beliefs, too, in what he was doing?

A I don't know. I don't know how he came to believe the things he did. His own experiences.

Q Did he ever discuss Straight Edge ideas with you?

A Yeah. I personally, I don't use drugs, but I don't consider myself Straight Edge. I don't know what he thought about that, but, so we would discuss the idea of drugs. We were both non-drug users.

Q Okay.

A GRAND JUROR: Where is Peter located right now?

A That's a good question. They probably would like to know if you knew, too. I don't know.

MR ANDERSON: Was [name omitted] Straight Edge?

A No.

A GRAND JUROR: I just have sort of a general interest question. I'm curious through all this thing, why did you turn on mink? Why not geese or veal cattle or those cows being cooked up? Was it an economic reason?

A I think mink were chosen for various reasons, one being the fur industry is one people tend to be more sympathetic to, so more people hear about it, they can more understand.

Another being mink - - like, it was my, like, belief at the time, you know, as far as I knew that they had an ability to survive in this type of environment and so, like, whereas if you - - if you go and release a cow, well, that cow has for thousands of years or whatever bred to just, you know, basically be walking around fields. They don't have many of the same kind of natural survival abilities, or at least not in this type of environment. You don't have, like, countryside available for, you know, cows maybe to be walking around if they were, like, let out of the barn or something.

So I think it was just various social issues and various kind of just practical issues, just especially the survival. They were released upon the belief that they had at least like some opportunity to survive.

That they were - - Their bodies were adapted for this type of environment and the type of living. It wasn't like releasing them into the desert or anything, but they were creatures who had, like, sometimes often in the United States, like, lived in various areas before becoming extinct. And so, yeah, it was done for them. It wasn't solely an economic thing. It was - -

Q Did you realize after that all of them died and actually some of them had bitten some people, too?

A Actually some people say that. I don't think - - Personally I don't believe all of them died. There's no way to know. They say there's some that weren't recovered. That they say some weren't recovered that got hit by cars, but I don't know the actual death rate. It would have to be something that they'd have to be tagged or monitored to know that. I don't think anybody knows that.

People say that in newspaper articles, but I think there's propaganda that goes on in the animal right groups, propaganda goes on in the animal industry groups and I don't know if you can believe either one.

MR ANDERSON: If a child reports she was bitten by the mink, she doesn't have any interest in propaganda, does she?

A I don't know. Maybe her parents or something. But I'm going to tell you that, no, not all of them, like, got out away and survived, I'm sure, and not all of them died and were eaten or hit by cars. And so you can make your own guess, but you know, nature's course took, so - -

MS LAUTENSCHLAGER: Thank you. Thank you Justin. You're done.

(Whereupon, 11:24am, the proceeding were concluded.)



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## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 08/28/2000

JUSTIN CLAYTON SAMUEL provided the following information as part of a proffer agreement he entered with the United States Attorney's Office for the Western District of Wisconsin. Present during the interview was SAMUEL's attorney, DENNIS P. COFFEY, (414) 227-1270. The interview was conducted within the parameters specified in the proffer agreement.

SAMUEL advised that he met PETER YOUNG and [REDACTED] when the three of them attended the University of Washington. SAMUEL met [REDACTED] and YOUNG at an animal rights rally, one of several he attended while he was a student at the university. SAMUEL stated he became knowledgeable about the animal rights movement by reading all animal rights related sites on the Internet, including the Animal Liberation Front (ALF) site. SAMUEL stated he had also read books on the movement, and recalls the author, INGRID NEWKIRK, but could not recall if he read her book on animal rights or her vegan cookbook. SAMUEL advised he knew YOUNG for about nine months before he approached him and asked him if he was interested in direct action. SAMUEL stated that direct action meant the attack of a mink farm to release the minks from their cages. SAMUEL stated that YOUNG was reserved at first, which SAMUEL attributed to the short amount of time they had known each other, but eventually through some indirect conversations with him YOUNG stated he would be interested in this sort of activity.

SAMUEL stated that YOUNG and [REDACTED] had become good friends, and the three had decided to purchase a car together for commuting purposes. SAMUEL stated that each party purchased one third of the vehicle, a red Geo Metro, which was titled to [REDACTED]. SAMUEL advised that the first trip they took in this car took place around August of 1997, when SAMUEL, [REDACTED], and YOUNG traveled to Northern California to visit YOUNG's relatives. SAMUEL stated that they stayed with YOUNG's grandmother, [REDACTED]. SAMUEL stated that this trip was cut short due to some family problem he had to take care of, so they went back to Seattle.

SAMUEL stated that he and YOUNG had planned to take the car across the country to visit Florida, and along the way they would hit a few fur farms to release the minks. SAMUEL stated that he and YOUNG wanted to visit Florida to relax on the beaches. SAMUEL stated that this plan was discussed with [REDACTED] but [REDACTED] stated [REDACTED] was not interested in getting directly involved in the release of these animals. SAMUEL stated that he, YOUNG and [REDACTED] had general discussions about their previous involvements in the animal rights movement, and [REDACTED] gave them consent to use the car, titled under [REDACTED] name, to take this trip.

SAMUEL advised that in the preparation for this trip he and YOUNG began stocking up on non-perishable foods, as well as cold weather clothing. SAMUEL stated that they also took masks they had utilized in previous animal rights protests. SAMUEL stated that he obtained a copy of the FINAL NAIL, and took it with them on the trip but does not recall where he found it. SAMUEL stated he may have downloaded it off the Internet, but may have also obtained it at an

Investigation on 08/25/00 at MADISON, WI

File # 291-MW-36601

Date dictated 8/28/00

by SA THOMAS DURHAM  
SA GEORGE R STRONG



291-MW-36601

Continuation of FD-302 of

SAMUEL, JUSTIN CLAYTON, On 08/25/00, Page 2

animal rights rally because this publication is passed out at these events. SAMUEL stated he may have read the entire copy of the FINAL NAIL, but does not remember if he used it to gather information on how to avoid prosecution for illegally releasing mink. SAMUEL stated that the manner in which he and YOUNG had prepared for their raids could have been a combination of reading the FINAL NAIL and the use of commonly known methods to avoid prosecution, such as wearing dark clothing when you raid a farm. SAMUEL stated that he utilized the FINAL NAIL to obtain the addresses of fur farmers that he and YOUNG would attack. SAMUEL stated that YOUNG had obtained another list which contained the addresses of fur farmers, and believes that YOUNG may have found this list at a library.

SAMUEL stated that he and YOUNG chose to attack fur farms in the Midwest because of the concentration of fur farms in that area of the country. SAMUEL stated that he and YOUNG wanted to attack as many farms as possible, and in the shortest amount of time possible before winter weather became a problem. SAMUEL stated that YOUNG did all the driving because SAMUEL did not know how to drive a vehicle with a manual transmission. SAMUEL stated he did the navigating off a general atlas they purchased in Seattle, and off of detailed maps they had purchased when they got closer to their targets. SAMUEL stated that they would often buy their maps at Barnes & Noble book stores because they could spend some free time reading. SAMUEL stated he probably visited the Barnes & Noble store in Omaha, Nebraska. SAMUEL also remembers tearing a map out of a phone book in Wisconsin. SAMUEL stated that he does not remember whether he and YOUNG had purchased bolt cutters in Seattle, or if they purchased them along the way to the Midwest, but recalls that they may have purchased the tools in South Dakota, the site of their first raids in this trip.

SAMUEL stated that the procedure he and YOUNG utilized to select and attack a farm would start with looking for farms that had good addresses they could easily locate on a map. They would then conduct surveillance on that farm to ensure they were comfortable with the amount of security the farm maintained, particularly if they had large fences or dogs. YOUNG would make notations regarding the security of these farms on the pages of the FINAL NAIL. Once they felt comfortable with their target they would hit the farm under the cover of darkness.

SAMUEL stated that he remembered the location of one farm they attacked as Watertown, South Dakota, only because of the amount of time it took to complete the raid. SAMUEL was then asked if this raid stuck out in his memory because it was suppose to be his first fur farm attack. SAMUEL stated that the raids seemed to blur together in his memory and could not recall specific names or locations of the raids. SAMUEL stated the reason he remembered the Watertown raid was because it took almost three hours to complete the raid due to the latch mechanisms on the cages. SAMUEL remembered that he and YOUNG drove up to the Watertown, South Dakota farm during the day, and took one or two drives by the farm. SAMUEL stated that he and YOUNG were anxious to start their attack. SAMUEL stated that the farm was located on a hill, which was situated a long distance from any house. SAMUEL stated that he and YOUNG followed a procedure they utilized in most of their raids, where they utilized bolt cutters to cut a hole in the perimeter fence of the farm as a means for the mink to run from the farm. SAMUEL stated he and YOUNG would then release the mink from their cages and make their escape back to their vehicle. SAMUEL stated that after he and YOUNG had released all the mink, they ran, not stopping to help any of the mink get out.



291-MW-36601

Continuation of FD-302 of

SAMUEL, JUSTIN CLAYTON, On 08/25/00, Page 3

SAMUEL stated that after the raid he felt more relaxed because things went smoothly and they escaped without being noticed. SAMUEL stated that he and YOUNG may have celebrated their success with a big meal.

SAMUEL stated that he and YOUNG studied the map to find their next targets, but could not state with any certainty the names of the farms he and YOUNG hit. SAMUEL stated that most raids were conducted in the same manner as the raid in South Dakota. SAMUEL stated that they utilized the same bolt cutters during raids in several states, but also recalls discarding a few and purchasing new ones as needed. SAMUEL remembers he and YOUNG executing raids in South Dakota, Iowa and Wisconsin.

SAMUEL recalled having their car towed from a ditch which was within a couple of miles of a fur farm they had been conducting surveillance on in Iowa. SAMUEL also recalled being interviewed by a policeman while he and YOUNG were eating at a mini-mart in Wisconsin. SAMUEL remembered the officer asking them about their travel plans and SAMUEL told him that they were traveling to Florida. SAMUEL also recalls a run in with an Amish farmer in Wisconsin. SAMUEL stated that he and YOUNG were conducting surveillance on the fur farm located near this Amish farmer's property. SAMUEL stated they decided against raiding this farm after the Amish farmer saw them and asked them to leave his property. SAMUEL also recalled being pulled over by a Wisconsin State Trooper after making an illegal turn. SAMUEL stated that even after running into policeman two times, as well as the encounters with a farmer and the tow truck driver, he and YOUNG were still concentrating on hitting as many farms as they could before bad weather set in, and before pelting season ended. SAMUEL stated they were not too concerned with their freedom. SAMUEL stated that the last encounter with the trooper made them cut their trip a bit shorter, but they decided to conduct surveillance on a few more farms in Wisconsin and maybe attack one more before heading for Florida. They were conducting surveillance on these farms in and around the Sheboygan, Wisconsin area when they were stopped and detained by police.

SAMUEL stated that when the police advised he and YOUNG that their car was being detained while they obtain a search warrant, SAMUEL called [REDACTED]. SAMUEL stated he had previously called [REDACTED] after conducting some of these raids to see if [REDACTED] had changed [REDACTED] mind about joining them. SAMUEL stated that [REDACTED] had reiterated [REDACTED] stance that [REDACTED] did not want direct involvement in releasing mink. After the Sheboygan incident, SAMUEL called [REDACTED] and told [REDACTED] the car was being detained by the police. [REDACTED] did not ask him any questions about why the car was detained and did not want to know what happened. [REDACTED] instructed SAMUEL and YOUNG go to the bus station where they would be wired a pair of bus tickets which they could pick up utilizing a code word because they would not use their real names. SAMUEL stated he specifically called [REDACTED] because he wanted to talk to somebody who would not ask him a lot of questions. SAMUEL stated they picked up the tickets and found out they were going from Wisconsin to Washington, D.C. During this bus ride SAMUEL talked to YOUNG about their legal problems as well as what they would do in the future. SAMUEL stated that both he and YOUNG wanted to go somewhere to think and have some time to think and let things cool down. They discussed the option of going to Florida and keeping a low profile until they could figure out what to do. SAMUEL stated he asked YOUNG if he would like to leave the United States



291-MW-36601

Continuation of FD-302 of SAMUEL, JUSTIN CLAYTON, On 08/25/00, Page 4

for Europe, but YOUNG stated that he did not think it was necessary to leave the country and stated he wanted to go to Florida. When SAMUEL and YOUNG arrived in Washington, D.C., SAMUEL and YOUNG split up. SAMUEL took another bus to Newark, New Jersey where he received a prepaid ticket to London, England as well as a contact for a person in England who would look out for him. SAMUEL stated he does not know who paid for the ticket or who provided him with that contact. SAMUEL stated he did not know where YOUNG went.

SAMUEL stated that he and YOUNG did not have any help during their raids in the Midwest, and stated he had never heard of, or ever talked to [REDACTED] and [REDACTED] or [REDACTED]. SAMUEL stated that while he and YOUNG were conducting their raids, they had read in the newspaper about several raids in the Midwest and he theorized that other people could have been doing the same thing he was. SAMUEL stated he was unaware of the identities of any other individuals who may have conducted raids during this time.

SAMUEL was asked if he communicated the news of his and YOUNG's raids to the ALF website. SAMUEL stated he knew that some people may do this but neither he nor YOUNG communicated the results of their raids with anybody. SAMUEL stated that he knew who [REDACTED] was because he met him at some animal right protests but would not consider him a close friend. SAMUEL stated he may have placed [REDACTED] telephone number in his phone directory but he did not contact him immediately before, during or after the raids. SAMUEL stated he did not own a pre-paid long distance phone card and was unaware if YOUNG owned one or utilized it during these raids. SAMUEL stated he did not know, or ever talk to [REDACTED]



U. S. Department of Justice

FILE COPY

*United States Attorney  
Western District of Wisconsin*

*Suite 200, City Station  
660 W. Washington Avenue  
P.O. Box 1585  
Madison, WI 53701-1585*

*608/264-5158  
TTY 608/264-5006  
FAX 608/264-5054*

July 24, 2000

Mr. Dennis P. Coffey  
Cook & Franke, S.C.  
660 East Mason Street  
Milwaukee, WI 53202-3877

Re: Proffer of Justin Clayton Samuel

Dear Mr. Coffey:

Your client, Justin Clayton Samuel, has been charged in an indictment with animal enterprise terrorism and interfering with interstate commerce by threat of violence. Of course, the government welcomes any information that may aid it in reaching a proper determination of this matter. Accordingly, the government seeks a proffer of the testimony of Mr. Samuel regarding his knowledge of the facts underlying this matter.

The government requires a completely truthful statement by Mr. Samuel in this proffer. No direct use will be made of his statements, or any information provided by him, in the government's case-in-chief at trial, or in aggravation of his sentence, pursuant to USSG § 1B1.8.

The indirect use of Mr. Samuel's statements, or other information provided by him, is permitted by this agreement. The government is completely free to pursue any and all investigative leads derived in any way from the proffer, which could result in the acquisition of evidence admissible against your client.

If your client subsequently testifies at any trial or hearing contrary to the substance of the proffer, or presents a position inconsistent with the proffer (for example, during cross-examination of witnesses, through witness testimony, or during arguments), the government is completely free to use the statements and other information from the proffer at sentencing for any purpose, at trial for impeachment or in rebuttal testimony, or in a prosecution for perjury. These provisions are necessary to assure that your client does not make false statements during this proffer and does not commit perjury when testifying at any trials or hearings.



This letter contains the entire agreement regarding Mr. Samuel's proffer. No other promise or agreement exists between Mr. Samuel and the United States Attorney's Office regarding his proffer. If you wish to proceed pursuant to this agreement, would you and your client please sign this letter and return it to me. By his signature, Justin Clayton Samuel acknowledges that he has discussed the terms and conditions of this letter with you and that he understands his rights and obligations pursuant to the agreement. By his signature, Mr. Samuel also acknowledges that he is voluntarily and knowingly waiving his right not to discuss any matters which might incriminate him and that he is voluntarily and knowingly agreeing to make statements and answer questions according to the terms and conditions set forth in this letter.

Very truly yours,

PEGGY A. LAUTENSCHLAGER  
United States Attorney

By: 

ROBERT A. ANDERSON  
Assistant U.S. Attorney

\_\_\_\_\_  
Date

\_\_\_\_\_  
JUSTIN CLAYTON SAMUEL  
Witness

\_\_\_\_\_  
Date

\_\_\_\_\_  
DENNIS COFFEY  
Attorney for Justin Samuel



U. S. Department of Justice

United States Attorney  
Western District of Wisconsin

Suite 200, City Station  
660 W. Washington Avenue  
P.O. Box 1585  
Madison, WI 53701-1585

5  
608/264-5158  
DOCKET NUMBER 608/264-5006  
608/264-5054  
U.S. DISTRICT COURT  
WEST. DIST. OF WISCONSIN

August 28, 2000

AUG 30 2000

Mr. Dennis P. Coffey  
Cook & Franke, S.C.  
660 East Mason Street  
Milwaukee, WI 53202-3877

FILED/RECEIVED  
JOSEPH W. SKUPNIEWITZ, CLERK  
CASE NUMBER

Re: United States v. Justin Clayton Samuel  
Case No. ~~98-CR-91-S~~

00-007814-X

Dear Attorney Coffey:

The purpose of this letter is to set forth the terms of a proposed plea agreement between the defendant and the United States in this case.

1. Introduction - Maximum Penalty

The defendant agrees to plead guilty to Counts 1 and 2 of the information filed by the United States Attorney's Office. Count one charges a Conspiracy to Engage in Animal Enterprise Terrorism in violation of Title 18 United States Code, Section 43(a). Count two charges a substantive violation of Animal Enterprise Terrorism in violation of Title 18 United States Code, Section 43(a). Each of these counts carry a maximum penalty of one year in prison, a fine of up to \$100,000, a \$25 special assessment, a 1-year period of supervised release, and the entry of an appropriate restitution order. The defendant agrees to pay the special assessment at or prior to sentencing. The defendant understands that the Court will enter an order pursuant to 18 U.S.C. § 3013 requiring the immediate payment of the special assessment. In an appropriate case, the defendant could be held in contempt of court and receive an additional sentence for failing to pay the special assessment as ordered by the Court.

2. Cooperation

The defendant agrees to make a full, complete and truthful statement regarding his involvement in violations of federal criminal statutes charged in the indictment of September 16, 1998, as well as the involvement of all other individuals known to the defendant regarding the crimes charged in that indictment. The defendant agrees to testify fully and truthfully at any trials or hearings. The defendant understands that this plea agreement is not conditioned upon the outcome of any trial. This agreement is, however, contingent upon complete and truthful testimony in response to questions asked by the prosecution or lawyers for any party.

cc: AUSA Anderson  
Atty Coffey  
Prosecution



If the defendant provides substantial assistance, the United States agrees to make the appropriate motions pursuant to either USSG § 5K1.1 or Rule 35, Federal Rules of Criminal Procedure. The decision whether to make a motion based upon substantial assistance rests entirely within the discretion of the United States Attorney's Office for the Western District of Wisconsin. The defendant acknowledges that even if the United States makes a motion pursuant to USSG § 5K1.1, or Rule 35, Federal Rules of Criminal Procedure, the Court is not required to grant the motion.

The United States further agrees that, in any criminal or civil proceeding involving the defendant, the defendant's statements made pursuant to this plea agreement will not be directly used against the defendant. This agreement against the direct use of the defendant's statements does not include any financial disclosures which are made by the defendant pursuant to this plea agreement. The indirect use of these statements is permitted. This indirect use includes pursuing leads based upon information provided by the defendant, as well as the use of the statements themselves for impeachment and rebuttal purposes, should the defendant, at any point, be allowed to withdraw his plea and proceed to trial or at any proceeding ancillary to this case. These indirect uses are permitted if the defendant testifies inconsistently with the substance of these statements or otherwise presents a position inconsistent with these statements.

The defendant further understands, pursuant to the provisions of USSG § 1B1.8, that the information provided by the defendant under the terms of this plea agreement will not be used against him to determine the applicable sentencing guideline range except as otherwise indicated in USSG §1B1.8(b).

### 3. Agreement/Recommendations

The United States agrees that this guilty plea will be in complete satisfaction of all possible federal criminal violations that have occurred in the Western District of Wisconsin and both: (a) relate to the conduct described in the information; and (b) which were known to the United States as of the date of this plea agreement. This agreement not to prosecute is limited to those types of cases for which the United States Attorney's Office for the Western District of Wisconsin has exclusive decision-making authority. The defendant also understands that the United States will make its full file available to the Probation Office for use in the preparation of the presentence report. The United States also agrees to move to dismiss the indictment as it relates to Justin Samuel at or before the time of sentencing.

The United States agrees to recommend that the defendant receive the greatest allowable reduction in the sentencing guideline calculations for acceptance of responsibility. This recommendation is based upon facts currently known to the United States and is contingent upon the defendant accepting responsibility according to the

factors set forth in USSG § 3E1.1. The United States is free to withdraw this recommendation if the defendant has previously engaged in any conduct which is unknown to the United States and is inconsistent with acceptance of responsibility, or if he engages in any conduct between the date of this plea agreement and the sentencing hearing which is inconsistent with acceptance of responsibility. The United States will further recommend that Justin Samuel receive credit for the amount of time he has spent in custody on these charges pending his extradition.

The United States reserves the right to make whatever comments it deems relevant to the sentencing process, both to the sentencing judge and the probation officer. The defendant understands that all relevant conduct as defined in USSG § 1B1.3 will be considered by the sentencing judge in determining the appropriate guideline range and resulting sentence.

4. Restitution

The defendant agrees to pay restitution for all losses relating to the offense of conviction and all losses covered by the same course of conduct or common scheme or plan as the offense of conviction. The exact restitution figure will be agreed upon by the parties prior to sentencing or, if the parties are unable to agree upon a specific figure, restitution will be determined by the Court at sentencing. The defendant agrees to make a lump sum partial payment of \$10,000.00 toward restitution before sentencing.

5. Financial Disclosure

The defendant agrees to complete a financial statement and to return it to this office prior to the sentencing hearing. The financial statement form is being provided to the defendant with this letter.

6. Challenges to Guidelines/Appeals

The defendant and the United States both reserve the right to comment on, and to challenge or support, the guideline computations which will be calculated by the probation officer and the sentencing judge. The parties may submit evidence to challenge or support the guideline calculations including any calculations relating to guideline departures. In addition, the defendant and the United States both reserve the right to appeal the sentence imposed, pursuant to 18 U.S.C. § 3742. In the event of an appeal by either party, the United States reserves the right to make all arguments it deems appropriate in support of or in opposition to the sentence imposed by the Court.



August 28, 2000

Page 4

7. Guideline Computation Discussions

The defendant understands that any guideline computation discussions are not part of the plea agreement. The defendant should not rely upon the possibility of a particular sentence based upon any guideline computation discussions between defense counsel and the United States.

8. Conclusion

If your understanding of our agreement conforms with mine as set out above, would you and the defendant please sign this letter in the appropriate space below and return it to me. By his signature below, the defendant acknowledges his understanding that the United States has made no promises or guarantees regarding the sentence which will be imposed. The defendant also acknowledges his understanding that the Court is not required to accept any recommendations which may be made by the United States and that the Court is free to impose any sentence up to and including the maximum penalties set out above, subject to those limitations imposed by the sentencing guidelines.

9. United States Attorney's Approval

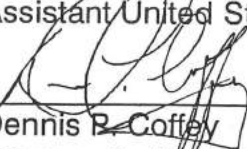
All plea agreements are required to be approved by the United States Attorney prior to being forwarded to the defendant. Due to scheduling constraints, this plea proposal has not received the United States Attorney's approval. Consequently, I have not signed the proposal, and the final acceptance is conditioned upon approval from the United States Attorney. If you have any questions or need any additional information, please feel free to contact me.

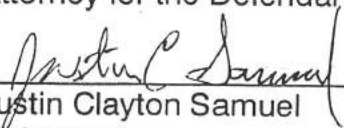
Very truly yours,

PEGGY A. LAUTENSCHLAGER  
United States Attorney

By:

  
Robert A. Anderson  
Assistant United States Attorney

  
Dennis R. Coffey  
Attorney for the Defendant

  
Justin Clayton Samuel  
Defendant

8/31/00  
Date

8/31/00  
Date

8/31/00  
Date



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

\* \* \* \* \*

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

Case No. 00-0078M-X

JUSTIN CLAYTON SAMUEL,

Madison, Wisconsin  
August 30, 2000  
3:00 p.m.

Defendant.

\* \* \* \* \*

STENOGRAPHIC TRANSCRIPT OF PLEA

HAD BEFORE MAGISTRATE JUDGE STEPHEN L. CROCKER

APPEARANCES:

For the Plaintiff: Office of the United States Attorney  
BY: ROBERT ANDERSON  
Assistant United States Attorney  
City Station, Suite 200  
660 West Washington Avenue  
Madison, Wisconsin 53703

For the Defendant: Cook & Franke, S.C.  
BY: DENNIS P. COFFEY  
660 East Mason Street  
Milwaukee, Wisconsin 53202

Also Present: Justin Clayton Samuel, Defendant  
Leslyn Spinelli, U. S. Probation

MAUREEN BEILKE  
Official Court Reporter  
United States District Court  
120 North Henry Street  
Madison, Wisconsin 53703  
1-608-255-3821

*JS*

1 THE CLERK: Case No. 00-0078M-X, the United States  
2 of America vs. Justin Clayton Samuel, called for plea  
3 hearing. May we have the appearances?

4 MR. ANDERSON: The United States appears by  
5 Assistant U.S. Attorney Robert Anderson.

6 MR. COFFEY: Good afternoon, Your Honor.  
7 Mr. Samuel appears in person and by Attorney Dennis Coffey.

8 THE COURT: Mr. Samuel, good afternoon to you.  
9 Mr. Coffey, Mr. Anderson, good afternoon to you as well. We  
10 also have Ms. Spinelli here from Probation and from Pretrial  
11 Services. Good afternoon.

12 Okay. By virtue of some new filings, we have a new case  
13 against Mr. Samuel which has a misdemeanor Information and  
14 it's my understanding, Mr. Coffey, that we're here today for  
15 Mr. Samuel to plead guilty to the charges in that  
16 Information, am I correct?

17 MR. COFFEY: That's correct, Your Honor.

18 THE COURT: Okay. Mr. Samuel, I'm sure Mr. Coffey  
19 has talked with you at great length about what's going to  
20 happen today, but let me start by saying this. This is going  
21 to take about 20 or 30 minutes. I'm going to be asking you  
22 some questions and getting some answers. I'm going to be  
23 talking to the attorneys about some things, but the most  
24 important thing throughout this process is that you  
25 understand everything that happens. So, if at any point I

1 ask you a question and you do not understand what I'm asking  
2 you, or if I say something to you or to the attorneys or if  
3 they say something to me and you don't understand or think  
4 you don't understand what's going on, please let us know.  
5 Either tug on Mr. Coffey's sleeve or call a 20-second  
6 time-out or something and we will back out and clarify  
7 everything for you.

8 Are you with me so far?

9 DEFENDANT SAMUEL: It's clear, yeah.

10 THE COURT: You don't have to lean over to the  
11 mike. We're close enough that I can hear you.

12 Let's begin by swearing Mr. Samuel.

13 THE CLERK: Stand and raise your right hand,  
14 please.

15 (Defendant Samuel sworn.)

16 THE COURT: Please be seated. I'm going to start  
17 with some background questions that I know the answers to,  
18 but we just like to start by making a clean record.

19 tT{12X|8SUXAMINATION

20 BY THE COURT:

21 Q Would you please tell me your full name?

22 A Justin Clayton Samuel.

23 Q Okay. And, Mr. Samuel, how old are you now?

24 A I'm 21 years old.

25 Q How far have you gone in school?

1 A Approximately two to three years of university  
2 education.

3 Q Very well. So, am I correct in surmising that you're  
4 comfortable with your ability to read, write and understand  
5 English?

6 A Yes, I am.

7 Q In the past 24 hours or so, have you had so little  
8 sleep, had any prescription or nonprescription drugs, had any  
9 alcohol to drink or had anything else happen to you that  
10 makes you think that you do not understand what's going on  
11 right now?

12 A No, I don't.

13 Q Let me ask it the other way. Do you think you do  
14 understand what we are doing here at this hearing?

15 A Yes, I do.

16 THE COURT: Mr. Coffey, any reason to doubt  
17 Mr. Samuel's competency to go forward today?

18 MR. COFFEY: No, Your Honor.

19 THE COURT: Okay. The next step then is to obtain  
20 consent for Mr. Samuel to proceed in front of me.

21 Mr. Coffey, if you'll approach? I've got the form for  
22 that.

23 MR. COFFEY: Thank you, Your Honor.

24 THE COURT: Mr. Coffey, we can go into this in as  
25 much or as little detail as you feel comfortable with on the



1 record. The form speaks for itself and if you want to just  
2 discuss it with Mr. Samuel and have him sign it, that is  
3 usually sufficient for my purposes. If you want me to engage  
4 in a colloquy about the consent issue with Mr. Samuel, I can  
5 do that, too. What is your preference?

6 MR. COFFEY: Your Honor, I'd advise the Court I  
7 have, in fact, discussed with Mr. Samuel the necessity of  
8 signing this waiver so as to enable you to proceed, and he is  
9 amenable to doing that. We have discussed it at sufficient  
10 length. I don't think he has any questions, but I'll just  
11 briefly go through this.

12 THE COURT: Just let me know when you're ready.

13 (Whereupon a conversation was had off the record between  
14 Mr. Coffey and Defendant Samuel.)

15 MR. COFFEY: Judge, an inquiry. He has executed  
16 that portion which is the waiver allowing you to hear the  
17 matter. There obviously is below that a waiver of right to  
18 trial by jury.

19 THE COURT: The bottom two sections don't apply  
20 here.

21 MR. COFFEY: Fine. So we agree.

22 THE COURT: There's a spot for you to sign on the  
23 bottom right as well.

24 MR. COFFEY: Both Mr. Samuel and I have executed  
25 the document, Your Honor.

1 THE COURT: Very well. Mr. Samuel, let me just ask  
2 this small bit of follow-up.

3 BY THE COURT:

4 Q You have signed this form. I saw you sign it. Do you  
5 understand what you're consenting to do and is it your wish  
6 to consent to proceed in front of me?

7 A Yes, I have and I do.

8 THE COURT: Very well. Then I will accept the  
9 consent and sign it and we will docket it into the file.

10 Okay. We have a new Information here. Mr. Coffey, have  
11 you and Mr. Samuel received a copy of that?

12 MR. COFFEY: We have, Your Honor.

13 THE COURT: All right. Do you want Mr. Anderson to  
14 read it?

15 MR. COFFEY: We do not. We would waive reading  
16 thereof.

17 THE COURT: Very well. Mr. Anderson, nonetheless  
18 please give us the statutory citations of the two charges and  
19 penalties associated with them in this case?

20 MR. ANDERSON: The first count of the Information  
21 charges a violation of Title 18, United States Code, Section  
22 43(a) for a conspiracy to enter -- a conspiracy to engage in  
23 animal enterprise terrorism.

24 Count 2 charges a substantive violation of that same  
25 statute or an act of animal enterprise terrorism in violation

1 of the same section.

2 Both of those offenses carry a maximum possible penalty  
3 of one year imprisonment, up to a \$100,000 fine, a \$25  
4 special assessment, a one-year period of supervised release  
5 and entry of any appropriate restitution orders.

6 THE COURT: Thank you.

7 MR. ANDERSON: I do have one quick question. In  
8 relation to the jury trial, something in the back of my mind  
9 says on Class A misdemeanors, aren't defendants entitled to a  
10 jury?

11 THE COURT: Absolutely.

12 MR. ANDERSON: Since this is a one year --

13 THE COURT: But the waiver we're talking about is  
14 30 days between today and jury trial.

15 MR. ANDERSON: I didn't know how it was worded.  
16 I'm sorry.

17 THE COURT: We rarely get that deep into the form,  
18 but it's of no moment today. I appreciate your concern, but  
19 it does not apply here. We'll get back to the jury issue in  
20 a moment when we talk about Mr. Samuel's rights.

21 But the next order of business is to talk about the plea  
22 agreement. Waiting for me on the bench this afternoon is an  
23 August 28, 2000 letter signed by everyone arrayed in front of  
24 me.

25 Mr. Anderson, I surmise this is the plea agreement in

1 this case?

2 MR. ANDERSON: Yes, Your Honor.

3 THE COURT: Okay. I will accept it into the file.  
4 It speaks for itself, but, as always, I'd like the government  
5 to give me the material provision of this agreement, please?

6 MR. ANDERSON: Okay. As stated in the first  
7 section, Mr. Samuel has agreed to plead guilty to Counts 1  
8 and 2 of the Information that we've just referred to, with  
9 the penalties that have been placed on the record. He agrees  
10 to pay the special assessment at or prior to sentencing, and  
11 understands the Court will enter an order into such effect  
12 and could be held in contempt of Court if he does not pay  
13 that special assessment.

14 The defendant has agreed to make a full, complete,  
15 truthful statement regarding his involvement in violations of  
16 federal criminal statutes charged in the original Indictment,  
17 as well as the involvement of all other individuals known to  
18 him regarding the crimes charged in that Indictment. And the  
19 defendant agrees to testify fully and truthfully at any  
20 trials or hearings.

21 He understands the plea agreement is not conditioned on  
22 the outcome of any trial. The agreement is, however,  
23 contingent upon complete and truthful testimony in response  
24 to any questions. If he were to provide substantial  
25 assistance, he could qualify for departure under 5K1 which



1 would be in the discretion of the United States Attorney.

2 The United States agrees that in any criminal or civil  
3 proceeding regarding involving the defendant, any statements  
4 made pursuant to the plea agreement will not be directly used  
5 against him. The indirect use of those statements, however,  
6 is not -- does not include -- I'm sorry. The agreement  
7 against the direct use of his statements does not include any  
8 financial disclosure made pursuant to the plea agreement.

9 The indirect use of the statements is permitted.  
10 Indirect use includes pursuing leads based on information  
11 provided by him, as well as the statements themselves for  
12 impeachment and rebuttal purposes, should he be allowed to  
13 withdraw his plea at any point and proceed to trial or at any  
14 proceeding ancillary to this case. And the indirect uses are  
15 permitted if the defendant testifies inconsistently with the  
16 substance of those statements or otherwise presents a  
17 position inconsistent with the statements.

18 He understands that the information provided by him  
19 under the plea agreement will not be used against him to  
20 determine the applicable guideline sentencing range, except  
21 as otherwise provided for in the guidelines.

22 The United States has agreed that this plea will be in  
23 satisfaction of all possible federal criminal violations  
24 which have occurred in the Western District of Wisconsin and  
25 relate to the conduct described in the Information, and which

1 are known to the United States as of the date of this plea.  
2 The agreement not to prosecute is limited to those type of  
3 cases which the United States Attorney's Office for the  
4 Western District of Wisconsin has exclusive decision-making  
5 authority, and the defendant understands the United States  
6 will make its file available to the Probation Office for the  
7 preparation of the presentence report. And we will move to  
8 dismiss the remaining -- the counts of the Indictment at the  
9 time of sentencing.

10 The United States has agreed to recommend that he  
11 receive the greatest allowable reduction in the sentencing  
12 guidelines for acceptance of responsibility based on facts  
13 currently known to the United States Attorney's Office, and  
14 we are free to withdraw that recommendation if he engages in  
15 conduct inconsistent with acceptance of responsibility or if  
16 he should engage in conduct between now and the date of his  
17 sentencing which is inconsistent with acceptance of  
18 responsibility.

19 And the United States will also recommend that  
20 Mr. Samuel receive credit for the amount of time he has spent  
21 in custody on these charges pending his extradition.

22 The United States reserves the right to make whatever  
23 comments that are relevant to the sentencing process, and he  
24 understands that all relevant conduct will be considered by  
25 the sentencing judge in determining the appropriate range and

1 resulting sentence.

2 He's agreed to pay restitution for all losses relating  
3 to the offense of conviction and all losses covered by the  
4 same course of conduct or common scheme or plan as that  
5 conviction. The exact restitution figure will be agreed upon  
6 by the parties prior to sentencing, or, if we're unable to  
7 agree, a specific restitution figure will be determined by  
8 the Court at sentencing.

9 The defendant has agreed, however, to make a lump sum  
10 partial payment of \$10,000 toward the restitution before  
11 sentencing takes place.

12 He agrees to complete a financial statement and the  
13 defendant understands that the United States and he have  
14 reserved the right to challenge any guideline computations  
15 that will be calculated, and we can submit evidence to that  
16 effect, and both parties reserve the right to appeal the  
17 sentence, if appropriate.

18 In the event of an appeal, the United States reserves  
19 the right to make all arguments which are appropriate in  
20 defense of the sentence or in opposition to the sentence. He  
21 understands that the guideline computation discussions are  
22 not part of this plea agreement and he should not rely on the  
23 possibility of a particular sentence being based upon any  
24 guideline computations between his counsel and the United  
25 States.



1 By his signature on the agreement, he understands the  
2 United States has made no promise or guarantees about the  
3 specific sentence which will be imposed, and understands the  
4 Court is not required to accept any recommendations which are  
5 made by the United States, and the Court is free to impose  
6 any sentence, up to and including the maximum penalties,  
7 subject to limitations of the guidelines.

8 And the document does have the approval of the United  
9 States Attorney and does have my signature.

10 THE COURT: Thank you. Mr. Coffey, you just heard  
11 Mr. Anderson's proffer of the terms of the written agreement.  
12 Were there any material misstatements or omissions?

13 MR. COFFEY: No, Your Honor.

14 BY THE COURT:

15 Q Okay. Mr. Samuel, you just heard the government  
16 synopsized in detail your written agreement. Is that, in  
17 fact, what you believe that you have agreed to in this case?

18 A Yes, it is Your Honor.

19 Q Okay. You've also signed this written agreement. Did  
20 you read this agreement before you signed it?

21 A Yes, I did.

22 Q And did you discuss it to your own satisfaction with  
23 your attorney?

24 A Yes, I did.

25 Q And do you understand what it is in this written



1 agreement that you are agreeing to?

2 A I do.

3 THE COURT: Very well. Because we have a different  
4 case file here, technically what occurred in the previous  
5 case isn't of record.

6 Mr. Coffey, it's not mentioned in the plea agreement, so  
7 I'm going to ask, just so the record is clear, were you  
8 reserving the right or do you wish to reserve the right to  
9 challenge the suppression rulings and, if so, do you want  
10 that incorporated into this new case file?

11 MR. COFFEY: What was supposed to be so simple just  
12 became complicated, Your Honor. No, at this point I would  
13 not ask that it be included.

14 THE COURT: It does not matter to the Court. I  
15 mean, normally we just have one case file and it's  
16 automatically there. So, if you'd rather be cautious and  
17 include it and then decide later whether to appeal or not,  
18 that's okay, too. And I'm not trying to suggest what you  
19 should or should not do, and I don't think the government  
20 cares or they would have put it in the agreement. Correct,  
21 Mr. Anderson?

22 MR. ANDERSON: Correct. Well, yeah. We don't  
23 typically put that in our agreements.

24 THE COURT: It's not usually done here.

25 MR. COFFEY: Your Honor, I would, as I indicated,

1 based upon the agreement that has been struck, I would --  
2 there is not a need in my mind to include it, and just so  
3 everyone has the benefit of, assuming someone were to  
4 challenge what I'm doing, the purpose and intent of the  
5 motions that I filed was a tactical choice, made specifically  
6 with respect to the first four counts of the Indictment. I  
7 do not believe they had any impact or effect upon the two  
8 counts we are pleading to, and so I am not requesting that  
9 the record be included.

10 THE COURT: Duly noted. Mr. Samuel, back to you  
11 then.

12 BY THE COURT:

13 Q Other than this written plea agreement that we've been  
14 talking about up to this point, has anyone made any other  
15 promises to you in order to make you plead guilty today?

16 A No, they have not.

17 Q Other than what's been agreed to, that we've talked  
18 about, has anyone offered you anything of value, or what we  
19 sometimes call inducements in order to make you plead guilty  
20 today?

21 A No, they have not.

22 Q Has anyone made any threats against you in order to make  
23 you plead guilty today?

24 A No, they have not.

25 Q Okay. Obviously the sentencing guidelines are in play

1 here and there's been some discussion about how the parties  
2 are going to argue that, your lawyer and the government.  
3 Other than predictions that might have been made to you by  
4 your own attorney and perhaps the government during  
5 discussions, has anyone told you or predicted to you what  
6 sentence I am actually going to give you in this case?

7 A No, they have not.

8 Q Do you understand that although I will be applying the  
9 sentencing guidelines, that the guideline range has not yet  
10 been determined and it's possible under certain circumstances  
11 that I might depart from those guidelines?

12 A Yes, I understand that.

13 Q As a corollary of that, do you understand that I am not  
14 bound by any predictions that people might have made, using  
15 the guidelines or otherwise, and that I am legally allowed  
16 under certain circumstances to give you up to the maximum  
17 sentence allowed on the charges against you?

18 A Yes, I do.

19 THE COURT: Okay. We're about halfway there.

20 Mr. Coffey, any reason that I should not ask Mr. Samuel what  
21 his plea is to these two charges?

22 MR. COFFEY: No, Your Honor.

23 BY THE COURT:

24 Q Okay. Mr. Samuel what is your plea to the two charges  
25 in this Information? Guilty or not guilty?

1 A I plead guilty.

2 THE COURT: Very well. Mr. Coffey, before coming  
3 in here today for this hearing, do you feel you've had  
4 sufficient time to talk with Mr. Samuel about this entire  
5 case and about his decision to plead guilty today?

6 MR. COFFEY: I do, Your Honor.

7 THE COURT: Okay. In the course of those  
8 discussions, did you talk with Mr. Samuel about the nature  
9 and elements of the two charges to which he's pleading  
10 guilty?

11 MR. COFFEY: I did.

12 THE COURT: And did you discuss with him any  
13 possible defenses he might have to these charges?

14 MR. COFFEY: Yes, Your Honor, and I would advise  
15 the Court that that conversation entailed both a discussion  
16 of the elements of the other counts from the Indictment, as  
17 matched up against the elements in this case before we had  
18 arrived at the negotiation, and then subsequent thereto, an  
19 individual discussion about the specific elements of these  
20 two offenses.

21 THE COURT: Understood. It's sort of unnatural to  
22 talk about just these charges because those Hobbs Act counts  
23 were sitting out there like a 300-pound gorilla, so I'm sure  
24 that was part of your discussions.

25 Continuing then with the actual questioning, Mr. Coffey,



1 did you sufficiently talk with Mr. Samuel about the use of  
2 the sentencing guidelines in this case and how they will be  
3 applied to the charges to which he's pleading guilty?

4 MR. COFFEY: Yes, Your Honor. The discussion of  
5 guidelines commenced actually at a point I visited with  
6 Mr. Samuel in Elgin, I believe, in October, October of last  
7 year. We have touched on it briefly. He has been made aware  
8 that basically the guidelines are driven by the value of the  
9 losses submitted by the various farmers, and we have  
10 discussed potential challenges to any numbers they submit.  
11 So he is aware of the general operation of the guidelines as  
12 they relate to these two counts.

13 THE COURT: Very well. Did you discuss with  
14 Mr. Samuel the consequences that he faces by pleading guilty,  
15 both direct and collateral, to the extent there are any?

16 MR. COFFEY: I have, Your Honor.

17 THE COURT: Very well. Mr. Samuel, I'm going to  
18 ask you essentially the same questions.

19 BY THE COURT:

20 Q Before coming in here to plead guilty today, do you  
21 think that you've had enough time to talk with Mr. Coffey  
22 about this case?

23 A Yes, I do.

24 Q In the course of your discussions with Mr. Coffey, did  
25 you discuss the nature of the charges to which you're

1 pleading guilty today?

2 A Yes, I did.

3 Q I don't want to belabor the point, but it's better  
4 practice for the Court to go through the elements of the  
5 charges, so bear with me while I do that.

6 Do you understand that what the government claims that  
7 you did in these charges and the nature of the charge is that  
8 you traveled in interstate commerce? That you did this for  
9 the purpose of causing physical disruption to the functioning  
10 of what is called an animal enterprise. That you actually  
11 did disrupt an animal enterprise and that this disruption  
12 caused at least \$10,000 to the enterprise? Do you understand  
13 that that's the nature of Count 2?

14 A Yes, I do.

15 Q All right. And do you understand that the government in  
16 Count 1 has charged that you conspired with other people to  
17 do this? Namely, that you entered into an unlawful agreement  
18 to do these kinds of unlawful acts? Do you understand that  
19 that's the nature of that charge?

20 A Yes, I do.

21 Q Okay. In your discussions with Mr. Coffey about this  
22 case, did you talk about possible defenses to the charges?  
23 And I'm more concerned about the charges in the Information,  
24 but obviously I'm sure that you would have talked about the  
25 other charges as well. But did you do this to your

1 satisfaction?

2 A Yes, I did.

3 Q Okay. And to your satisfaction did you and Mr. Coffey  
4 talk about the use of the sentencing guidelines in this case  
5 and how they will apply to you?

6 A Yes, we did.

7 Q All right. And did you discuss with Mr. Coffey to your  
8 satisfaction the consequences that you face, both directly  
9 and indirectly, by pleading guilty to these charges?

10 A Yes, I did.

11 Q Okay. Mr. Samuel, if you were to plead not guilty to  
12 these charges in the Information, or I suppose another way to  
13 look at it is to persist in your plea of not guilty to the  
14 misdemeanor charges in the Indictment, you would have a  
15 number of rights that no one could take away from you. By  
16 pleading guilty today, you are giving up those rights.

17 What I'm going to do today is list those rights and make  
18 sure you understand what those are and make sure the decision  
19 to give them up today is a voluntary one. First of all, do  
20 you understand that you would have the right to a trial by  
21 jury on these charges?

22 A Yes, I do.

23 Q Do you understand that you would have the right, with  
24 the assistance of your attorney, to participate in the  
25 selection of the jury and that you could strike any juror who

1 could not be fair? That is a strike for cause. And you  
2 could strike a certain number of jurors simply because you  
3 did not want them on the jury at all? Do you understand  
4 that?

5 A Yes, I do.

6 Q Do you understand that throughout any trial, either to a  
7 judge or to a jury, you would be presumed innocent at all  
8 times?

9 A Yes, I do.

10 Q Do you understand that it would be the government's  
11 burden to prove that you were guilty of these charges and  
12 that it would have to prove this by evidence beyond a  
13 reasonable doubt?

14 A Yes, I do.

15 Q Do you understand that if there were a jury on these  
16 charges, it would have to vote unanimously you were guilty  
17 before it could convict you?

18 A Yes, I do.

19 Q Do you understand that at any trial you would have the  
20 right, with the assistance of your attorney, to cross-examine  
21 all of the government's witnesses?

22 A Yes, I do.

23 Q Do you understand that if you wished to do so, you could  
24 present your own witnesses and your own evidence and you  
25 could use this Court's subpoena power to ensure that your



1 witnesses did attend to provide testimony?

2 A Yes, I do.

3 Q Do you understand if you wished to do so, you could  
4 testify at trial on your own behalf, but nobody could make  
5 you do that against your will?

6 A Yes, I do.

7 Q Do you understand that by pleading guilty today, there  
8 will be no trial? There will be no jury? There will be no  
9 witnesses and you will not get a chance to testify or to  
10 present any other evidence that might tend to show that you  
11 are not guilty?

12 A Yes, I do.

13 Q Is it your wish voluntarily to give up all of these  
14 rights?

15 A Yes, it is.

16 Q Okay. Mr. Samuel, under the Fifth Amendment to the  
17 United States Constitution, you do have a right not to  
18 incriminate yourself. In a moment I will be asking you to  
19 tell me what it is you did, and when you tell me about these  
20 things that constitute the charges, you will, in fact, be  
21 incriminating yourself. So before we get there, I want to  
22 make sure you understand your right and that you're giving it  
23 up voluntarily.

24 So, do you understand your Fifth Amendment right not to  
25 incriminate yourself in this case?

1 A Yes, I do.

2 Q Do you understand you're giving up that right and you  
3 are incriminating yourself by pleading guilty today?

4 A Yes, I do.

5 Q Is it your wish voluntarily to give up that right?

6 A Yes, it is.

7 THE COURT: Very well. Mr. Anderson, to you then.  
8 If this case were to go to trial on the charges now before  
9 the Court, what would the government be prepared to prove?

10 MR. ANDERSON: As to particularly Count 1, the  
11 conspiracy to travel in interstate commerce, and then going  
12 on to the other elements, first of all, Kathy Turbak of the  
13 Turbak Mink Farm in Watertown, South Dakota would testify on  
14 October 16, 1997, their mink farm in South Dakota was  
15 attacked, resulting in the release of 2,400 mink. The attack  
16 was fences surrounding the farm were cut, using some form of  
17 tool; cages were opened, releasing the mink; and about one  
18 quarter of the amount released, 600 mink were not recovered  
19 by the farm, resulting in a loss of approximately \$21,000.

20 Special Agent Mike Graham of the FBI in South Dakota  
21 would testify that in investigating the attack, he took wire  
22 samples from the fence in the areas where they were cut by  
23 the tools that were suspected and sent those to the FBI Crime  
24 Lab.

25 On October 25, 1997, Tom Olson of the Smieja Fur Farm,

1 S-m-i-e-j-a, in Independence, Wisconsin in the Western  
2 District would testify that in the early morning hours of  
3 October 25, someone had cut the fence along the west side of  
4 the mink barn and released nearly 800 blue iris mink of four  
5 cages, of which 104 were unrecovered, resulting in a loss to  
6 that farm of more than \$10,000. His approximation was  
7 \$126,000.

8 My -- I'll note at this point, although they eventually  
9 made a final determination as to restitution and the damages,  
10 just so that there's not a dispute as to the numbers, our  
11 only point here is that it was more than \$10,000 in damage.

12 Detective Corcoran, C-o-r-c-o-r-a-n, of the Trempealeau  
13 County Sheriff's Department, took wire samples during the  
14 investigation of the Smieja Fur Farm attack and those wire  
15 samples similarly were sent to the FBI Crime Lab in  
16 Washington.

17 On October 26, 1997, Jack Dittrich, D-i-t-t-r-i-c-h, of  
18 the Dittrich Minkery in Medford, Wisconsin, also in the  
19 Western District, would testify in the early morning hours,  
20 someone trespassed on his property, cut and knocked down 400  
21 feet of fence and released 2,500 mink from his farm. Three  
22 hundred of those went unrecovered for a loss to him, by his  
23 estimation, of between 40 and \$60,000. Again, simply noting  
24 that it is more than \$10,000 in losses caused to that farm.

25 Special Agent of the FBI Ed Bruner collected wire



1 samples from that farm and those wire samples from the fence  
2 that was cut at that farm was also sent to the FBI Crime Lab.

3 And, finally, also on October 26, in the early morning  
4 hours, Alex Ott would testify someone trespassed on his farm  
5 property near Tomahawk, Wisconsin, opened a gate to that  
6 perimeter fence on his farm and released over 350 mink from  
7 350 mink pens, some of which had more than one mink in them  
8 on the property. Approximately 70 of his mink were  
9 unrecovered and caused a loss to his farm.

10 Deputy Seth Fuller of the Sheboygan County Sheriff's  
11 Department would testify that on October 28, a red Geo Metro  
12 which had been sighted by numerous fur farmers in and around  
13 farms in the Sheboygan County area and had also, by  
14 information, been connected to appearances in the areas where  
15 the mink releases had taken place earlier in Wisconsin, Seth  
16 Fuller would testify that that car was stopped in Oostburg,  
17 Wisconsin and the occupants were identified as the defendant  
18 Justin Clayton Samuel and the driver of the vehicle, Peter  
19 Daniel Young.

20 A subsequent search of the car after it's seizure  
21 revealed detailed local maps of the -- of the southwest and  
22 southeast Wisconsin areas, detailed maps also of other areas  
23 in Wisconsin that covered the areas where the mink releases  
24 had occurred. Also found in the car were soiled overalls,  
25 dark overalls and other dark clothing, ski masks,



1 flashlights; an ALF, Animal Liberation Front that stands for,  
2 fur farm target list which is known as The Final Nail; a  
3 subscription form to -- a subscription form to a publication  
4 known as No Compromise, which is an animal liberation  
5 advocacy paper; bolt cutters and some other pinching type  
6 tools that were found in the car, and also animal liberation  
7 stickers.

8       The FBI Crime Lab analyst who received the wire-cutting  
9 samples and also the bolt cutters from the Sheboygan County  
10 Sheriff's Department which were turned over to the FBI is a  
11 Steve Casper. Mr. Casper would testify that the bolt cutters  
12 found in the red Geo Metro in which Mr. Samuel and Mr. Young  
13 were passengers was tested against the wire samples from the  
14 cuttings of the fence at the farms identified earlier and  
15 that they positively matched as the tool used to cut those  
16 fences at the Turbaks, Smieja and Dittrich fur farms.

17       This evidence would prove that, first, that they  
18 conspired and that they did, in fact, travel in interstate  
19 commerce. That their purpose of travel was to disrupt an  
20 animal enterprise and that the fur farms are such defined  
21 animal enterprises in the statute, and that they did, in  
22 fact, disrupt farms, including the Dittrich Fur Farm,  
23 intending to cause and did cause more than \$10,000 in damage  
24 on all the farms conspired against.

25       And also as to the substantive count, which is Count 2

1 of the Information, did cause more than specifically \$10,000  
2 in damages to the Dittrich Minkery, on that farm. And that  
3 testimony would establish the elements of those two offenses  
4 charged in the Information, and that would be the evidence  
5 and testimony.

6 THE COURT: Thank you. Mr. Coffey, were there any  
7 material misstatements or omissions from the government's  
8 proffer of the facts underlying the charges?

9 MR. COFFEY: No, Your Honor.

10 BY THE COURT:

11 Q Okay. Mr. Samuel, this is the moment I was discussing  
12 with you just a bit ago where you have to tell me what it is  
13 you did. I would prefer that you give me a short narrative  
14 of your activities that constitute the crimes charged. If  
15 necessary, I can ask you some questions along the way. But  
16 if you would be so kind as to tell me what it is you did to  
17 which you're pleading guilty?

18 A I myself and one other person drove through various  
19 states in the Midwest and released mink from various fur  
20 farms here.

21 Q Okay. And this other person, was that Peter Daniel  
22 Young?

23 A Yes, it was.

24 Q Okay. And you two had agreed that this was the course  
25 of conduct you would be taking?

1 A Yes, it was.

2 Q Okay. And in releasing these mink from the fur farms,  
3 was it your intent to disrupt the functioning of the farms by  
4 doing this?

5 A Yes, it would.

6 Q Okay. You're specifically charged in Count 2 with  
7 actually disrupting the functioning of a fur farm up in  
8 Medford, the Dittrich Minkery. Do you have any independent  
9 recollection of that minkery or being in Medford?

10 A Yes, I do.

11 Q Okay. Did you, in fact, go in and release mink from  
12 that particular minkery?

13 A Yes, I did.

14 Q Okay. And did you do that with the intent to cause  
15 physical disruption to the operations of that minkery?

16 A Yes, I did.

17 THE COURT: Okay. Mr. Anderson, I think that's  
18 enough of a proffer. I don't know that we need to have  
19 Mr. Samuel talk about the jurisdictional dollar amount, do  
20 you?

21 MR. ANDERSON: No, not as to that. Maybe as to  
22 Count 1 that they had -- he had conspired. He had agreed  
23 with Mr. Young to travel in interstate commerce for that  
24 purpose.

25 THE COURT: Fair enough.

1 BY THE COURT:

2 Q That may be implicit, but, Mr. Samuel, was part of your  
3 agreement with Mr. Young to travel from state to state for  
4 the purpose of causing this type of damage?

5 A Yes, it was.

6 THE COURT: Okay. Mr. Anderson, was that what you  
7 were getting at?

8 MR. ANDERSON: Yeah.

9 THE COURT: Are you satisfied with the proffer or  
10 statement by Mr. Samuel on the charges?

11 MR. ANDERSON: Yes.

12 THE COURT: Okay. So am I.

13 BY THE COURT:

14 Q Mr. Samuel, then I have one last question for you. In  
15 light of our entire discussion this afternoon, in light of  
16 your understanding of your rights after your discussions with  
17 your attorney prior to coming in here, what is your plea to  
18 the two charges in the Information against you? Guilty or  
19 not guilty?

20 A Guilty, Your Honor.

21 THE COURT: Very well. Then on the basis of this  
22 discussion with the defendant Justin Samuel, and with his  
23 attorney, on the basis of the entire record of this case, I  
24 find and conclude that Mr. Samuel has entered his plea of  
25 guilty knowingly, understandingly and voluntarily, after an



1 adequate opportunity to consult with his attorney, with an  
2 understanding of the nature of the charges and with an  
3 understanding of the consequences that he personally faces as  
4 a result of his guilty plea.

5 I am also satisfied that there is a factual basis for  
6 the guilty pleas to the two charges.

7 As always, I will withhold final acceptance of the plea  
8 and entry of judgment pending my review of the presentence  
9 investigation. And we'll schedule that in a moment and get  
10 to the issue of the motion for release in a moment, but let  
11 me throw out the usual safety net.

12 Mr. Anderson, is there anything else you think we need  
13 to put in the record this afternoon to ensure that this is a  
14 valid and binding guilty plea?

15 MR. ANDERSON: I don't believe so.

16 THE COURT: Mr. Coffey, same compound question to  
17 you?

18 MR. COFFEY: No, Your Honor.

19 THE COURT: Very well. Then let's talk about the  
20 presentence investigation report schedule. Ms. Spinelli,  
21 will you be preparing the report in this case?

22 MS. SPINELLI: I will.

23 THE COURT: Is the usual five weeks sufficient?

24 MS. SPINELLI: That is, Your Honor.

25 THE COURT: If I did the counting right, that would

1 take us to about September 29, which would be a Friday. So,  
2 let's have the report due by then.

3 Mr. Coffey, as you well know, under the applicable  
4 rules, Mr. Samuel is entitled to have up to five more weeks  
5 for his sentencing, but we can go shorter if everyone agrees  
6 to it.

7 (Whereupon a conversation was had off the record between  
8 Mr. Coffey and Defendant Samuel.)

9 MR. COFFEY: Judge, I've explained to Mr. Samuel  
10 his right in terms of the timing of responses, et cetera, and  
11 we're prepared to waive that time consideration.

12 THE COURT: Okay. Fair enough. I'm sitting here  
13 looking at my computer calendar and, Ms. Spinelli, I think I  
14 shorted you one week. I think you're entitled to October 6.

15 MS. SPINELLI: Thank you.

16 THE COURT: You're probably too polite to say  
17 anything, but I wanted to catch that at the front end. So  
18 the report will be due October 6.

19 Mr. Coffey, can you get objections in, if any, say by  
20 the 16th, ten days later?

21 MR. COFFEY: Yes, Your Honor.

22 THE COURT: Mr. Anderson, does that work for you?

23 MR. ANDERSON: Yes.

24 THE COURT: Okay. Then, Ms. Spinelli, if you get  
25 any objections in hand by the 16th, would you be prepared to

1 respond to them say not later than the 23rd of October?

2 MS. SPINELLI: I think ten days would be  
3 preferable, if we could have it, because some of the  
4 objections might be on restitution.

5 THE COURT: Sure. The 26th then, which would be a  
6 Thursday, for your responses which means we could be ready  
7 for sentencing as early as Friday, but I think it would be  
8 better if we kicked it into the week of October 30th just in  
9 case there are disputes so the parties can work them out.

10 I can do it virtually any day that week, so I'll check  
11 with the parties. Mr. Coffey, you suggested sooner is better  
12 than later. The week of the 30th, what is your availability?  
13 Do you have a preference as to date or time?

14 MR. COFFEY: My preference, Judge, either -- any  
15 time on Wednesday, the 1st, the afternoon of the 2nd or  
16 anytime or Friday I am available.

17 THE COURT: Okay. Wednesday works best for me,  
18 although they're all available. Mr. Anderson, what does your  
19 schedule look like?

20 MR. ANDERSON: I know that week starting Monday I  
21 have -- am involved in a lengthy trial with a lot of  
22 witnesses.

23 THE COURT: Which case is that?

24 MR. ANDERSON: Tesch, the social security fraud and  
25 that definitely will take me -- I would anticipate we're

1 going into Wednesday for sure, so --

2 THE COURT: Would you prefer Thursday?

3 MR. ANDERSON: Well, that's not a lot of time.

4 THE COURT: Would you prefer Friday?

5 MR. ANDERSON: I anticipate if we have any issues  
6 about restitution, I may need to present witnesses from the  
7 farms as to the restitution figures perhaps. I'm not  
8 positive at this point, but -- so --

9 THE COURT: Okay. So make me an offer. What are  
10 you asking for?

11 MR. ANDERSON: The following Monday?

12 THE COURT: The 30th?

13 MR. ANDERSON: Yeah.

14 MR. ANDERSON: No. No.

15 THE COURT: I'm sorry, it would be the 6th?

16 MR. ANDERSON: The 6th.

17 THE COURT: The problem I have at this point is I'm  
18 supposed to be up in Eau Claire for a free-speech trial,  
19 First Amendment trial, so --

20 MR. ANDERSON: Okay. At least first thing Friday  
21 afternoon, the previous Friday?

22 MR. ANDERSON: That would work better for me.  
23 Mr. Coffey, forgive me, but I don't recall your availability.

24 MR. COFFEY: On Friday the 3rd, I'm fine any time  
25 the Court wants.



1 THE COURT: Okay. So 1:30 in the afternoon,  
2 Mr. Anderson?

3 MR. ANDERSON: That's good.

4 THE COURT: Then let's book it, November 3 at 1:30  
5 for sentencing. I think we came pretty close to that 70 days  
6 in any event, but, whatever. Okay.

7 Then the last issue is the motion to reopen the  
8 detention hearing and for release on bond with conditions. I  
9 have not had a chance to read it yet. Mr. Coffey, it's very  
10 short. Just give me a chance to read it and get  
11 Mr. Anderson's response.

12 (Pause.)

13 THE COURT: Okay. Mr. Anderson, have you had a  
14 chance to read the motion and the attached affidavit?

15 MR. ANDERSON: I'm sorry. I did read the motion.  
16 I didn't see the attached affidavit.

17 (Pause.)

18 MR. ANDERSON: Okay. I have.

19 THE COURT: What is your response to the request?

20 MR. ANDERSON: Under the appropriate conditions, I  
21 don't, given the circumstances, I do not have an objection to  
22 the release. I would note it's -- that that includes, as I  
23 understood previous proposals for his release, a third-party  
24 custody arrangement with his father, if I was correct in my  
25 recollection of that, and, of course, we would ask for no

1 contact with any of the victims in this case that I've not  
2 mentioned. And also that the Court impose a no-contact  
3 restriction with --

4 THE COURT: Mr. Anderson, let me interrupt you and  
5 let's back up a little bit and take this one step at a time.  
6 Your bottom line is if appropriate conditions can be  
7 fashioned, you do not object to release, correct?

8 MR. ANDERSON: Yes, if the right conditions are in  
9 place.

10 THE COURT: Okay. In light of Mr. Samuel having  
11 spent quite some time in Europe prior to being found and  
12 brought back, I do have some flight concerns, although I note  
13 that Mr. Coffey has got a pretty darn good point. If a year  
14 is the maximum here, I don't want to exceed that. But there  
15 are two issues related to that. Actually one is related and  
16 one isn't.

17 Under Supreme Court law, even in a misdemeanor case,  
18 there is a total of two years available for the sentence  
19 here. I haven't even looked at the guidelines. I have no  
20 idea where in the range Mr. Samuel might fall. I would have  
21 suspected, as Mr. Coffey proffered, that this is going to be  
22 money driven. I would suspect also that there will be at  
23 least some dispute as to the total amount. But at least for  
24 today's purposes, I'd like a ballpark estimate, Mr. Anderson,  
25 if you've got one, as to where you think the guideline range

1 falls here and if that is less than a year or more than a  
2 year.

3 MR. ANDERSON: It is. That was one other thing I  
4 was going to note that his reference to it being a maximum of  
5 one year with the two counts, really the maximum is two  
6 years. The guidelines, from my best calculations and taking  
7 the numbers, aggregating the numbers which I referred to  
8 earlier, and they may be slightly more than that, those  
9 numbers themselves place him in a range with, after receiving  
10 acceptance of responsibility, an adjustment for that, that at  
11 least he would, by my estimation, be in a range of 12 to 18  
12 months and therefore he could receive more than the 12. But  
13 that's my estimation.

14 THE COURT: Okay. The second unrelated question is  
15 this, and I suppose this is your concern, not the Court's,  
16 Mr. Anderson, but I do want to raise it. The plea agreement  
17 requires Mr. Samuel to cooperate and name names and to point  
18 fingers and do a lot of things that most people hate to do.  
19 That's human nature. Has that already occurred? Have you  
20 got your sworn Grand Jury testimony under oath?

21 MR. ANDERSON: That's tomorrow morning.

22 THE COURT: Okay. So that will have occurred prior  
23 to release of Mr. Samuel on his proposed conditions?

24 MR. ANDERSON: That's one of the reasons why it  
25 suggests the release next Tuesday. Is that -- The 5th,

1 whatever the 5th is. That we don't have a problem with that.

2 THE COURT: Okay.

3 MR. ANDERSON: Provided everything goes well.

4 THE COURT: Fair enough. Then do you want to take  
5 the time now to fashion prospective conditions or do you want  
6 to come back to court and have me do it all and give the  
7 advisals on Tuesday, or what is the government's preference  
8 in that regard?

9 MR. ANDERSON: If there are some conditions that --  
10 I don't remember the proposed conditions from earlier.

11 THE COURT: Well, the point is this. Since the  
12 proposal is next Tuesday anyway, we don't have to rush into  
13 this. I'm amenable to this, as long as everybody's interests  
14 are protected here. But I don't want to rush into this and  
15 release Mr. Samuel on conditions prospectively before  
16 everyone has had a chance to look this over. So,  
17 Mr. Anderson, if you're fine with everything we've got, I'll  
18 take the time now and we'll go down the list and check things  
19 off. If you'd rather check with your office, look at these  
20 things, talk with Ms. Spinelli, then we can reset this for  
21 later this week or early next week and I'm going to make the  
22 same offer to Ms. Spinelli. Her office may take a completely  
23 different approach to this, but I'll find that out in a  
24 moment.

25 MR. ANDERSON: Well, because if there was the



1 proposal, the third-party custodian, and we didn't  
2 previously, it was not seriously looked at, I don't know. I  
3 know Mr. Samuel's father is now in a closer position. He's  
4 in Illinois, but I don't know that Probation and Parole ever  
5 checked that out, the situation, and I just want to make sure  
6 that everything is in place that makes both Probation and  
7 Parole and our office comfortable with the third-party  
8 custody arrangements. And I don't have that information is  
9 what I'm saying right now, but I would hope to have that by  
10 Tuesday or whenever.

11 THE COURT: Okay.

12 MR. ANDERSON: If not sooner.

13 THE COURT: Ms. Spinelli, why don't you give me  
14 your input on all of this?

15 MS. SPINELLI: A couple of things. I did have the  
16 opportunity to meet at length with Mr. Samuel when we had the  
17 proposal before. We were satisfied with his willingness to  
18 be a third-party custodian. There were some sort of  
19 procedural kinds of questions and what were we going to do  
20 with Mr. Justin Samuel while his father was at work. So  
21 there wasn't the 24-hour coverage and I don't know whether  
22 that's something the Court would still have concerns about or  
23 not.

24 In terms of his residence or his suitability, that was  
25 not in question.

1       The other thing I'd mention is there is, at least  
2 according to my bail report, there is an active warrant in I  
3 believe Snohomish County, Washington and I don't know what  
4 the status of that is.

5           THE COURT: Mr. Coffey, can you speak to that?

6           MR. COFFEY: Yes. I've had several conversations  
7 with representatives of the Bellevue District Court in  
8 Washington. There is, in fact, a warrant outstanding, but it  
9 is operative only in three counties. I have never in my life  
10 heard of a warrant being operative in three counties, but it  
11 in essence is a determination, I guess, by local authorities  
12 that they'll go that far to pick someone up and they aren't  
13 going to go any farther or something to that effect, I  
14 believe. But the bail obligation on that matter is \$1,000.

15       The prosecutors in Bellevue District Court are not  
16 particularly interested in my client. As a consequence -- At  
17 the time they were being talked to, there was obviously the  
18 Indictment and the other counts. I have not spoken with them  
19 since we have amended it to the Information. I don't know  
20 that their opinion would have changed or not changed, but the  
21 reality is that warrant can be cleared either by dismissal or  
22 by posting of \$1,000 cash bond.

23       So, it is there. There's no question, but it is not --  
24 there is not, it is my understanding, any detainer with the  
25 marshals, and the State of Washington is not interested in

1 spending the money to bring Mr. Samuel back. So that's one  
2 item.

3 The only other thing I would say to the Court is  
4 Mr. Samuel's father is present in court this afternoon and  
5 can be here Tuesday of next week, if that's the choice of the  
6 Court. The balance of next week would cause significant  
7 employment problems for him.

8 THE COURT: It doesn't have to be next Tuesday. If  
9 everyone has time to do what they need to do by Friday,  
10 that's fine, too.

11 MR. COFFEY: Well, I am -- I am going to be out of  
12 the state commencing tomorrow right after Mr. Samuel's Grand  
13 Jury appearance.

14 THE COURT: Understood. Well, Tuesday works for  
15 me. Mr. Anderson, are you available on Tuesday?

16 MR. ANDERSON: I'm available. My schedule cleared  
17 up.

18 THE COURT: Okay. I can do this pretty much any  
19 time. I would -- I could do it no sooner than 9:30 and then  
20 the rest of the morning and then probably from 2:30 on in the  
21 afternoon, so I'll throw it out to the parties. Mr. Coffey,  
22 do you have a preference between midmorning or midafternoon?

23 MR. COFFEY: I would just as soon do it in the  
24 morning if that's acceptable to the Court.

25 THE COURT: Okay. Mr. Anderson, does 9:30 on

1 Tuesday, the 5th, work for you?

2 MR. ANDERSON: Yes.

3 THE COURT: Okay. Ms. Spinelli, how does that look  
4 for you?

5 MS. SPINELLI: That's fine, Your Honor.

6 THE COURT: All right. Then we will set this for a  
7 hearing on the motion for release on Tuesday, the 5th, at  
8 9:30.

9 Mr. Anderson, if anything comes up that you want me to  
10 know about, I prefer knowing about it by Friday and I think  
11 Mr. Coffey at least would like that in his office by Friday  
12 so that nobody gets sandbagged Tuesday morning. But if  
13 everything proceeds the way we're all predicting, I would  
14 anticipate releasing Mr. Samuel on conditions at that time.

15 Okay. That's all I've got. Mr. Anderson, anything else  
16 on any topic related to this case?

17 MR. ANDERSON: No.

18 THE COURT: Ms. Spinelli, anything else?

19 MS. SPINELLI: No. Thank you.

20 THE COURT: Mr. Coffey, anything else?

21 MR. COFFEY: No, Your Honor.

22 THE COURT: Then we're done. Thank you all.

23 (Whereupon, 3:55 p.m., the proceedings were concluded.)  
24  
25

I CERTIFY THAT THE FOREGOING IS  
A CORRECT TRANSCRIPT FROM THE  
RECORD OF PROCEEDINGS IN THE  
ABOVE-ENTITLED MATTER.

*Margaret B. DeLoe*  
OFFICIAL COURT REPORTER DATE *7-19-00*



POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 (408) 277-4261

☐ INJURY  
☒ BOOKING  
☐ CITE & RELEASE

05 080 0941

ROUTING N#

OSSD INDEX / CLETS CHECK N#

UCR CODE

BEAT # F3

TYPE OF FORCE:

☐ HANDS/FEET  
☐ FIREARM

☐ KNIFE/CUTTING INST.  
☐ OTHER

REPORT TYPE

FBI TERRORISM WARRANT, FALSE IDENTIFICATION TO POLICE, BURGLARY POSSESS STOLEN PROPERTY

OCCURRED

DATE

TIME

DAY

ON OR FROM

3-21-05

2125

MCH

LOCATION OF EVENT: PREMISES TYPE

THE ALAMEDA / W. JULIAN - STARBUCKS COFFEE

TO

REPORTED

↓

↓

↓

OSSD

NDR  
CMU  
ATTNY  
CORONER  
FIRE  
JPD  
PROPERTY  
GUN FLDR

CASE MGT  
ASSAULT  
ATTORNEY  
DOM. VIO.  
BURGLARY  
FIRE  
FRAUD  
HOMICIDE  
INTELL  
JUVENILE  
CA  
MP  
NCI  
RECORDS  
ROBBERY  
SAIU  
SBNE  
TIU  
VCU  
VICE  
BOMB SQD  
CLG  
CLT  
GC  
NC  
NF  
NM

"V" = VICTIM

"R" = REPORTING PARTY

"W" = WITNESS

"O" = OTHER

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

☐ STATE OF CA

RACE

M  
F

DOB

AGE

HT

WT

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE

INTERPRETER NEEDED: ☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

ADDRESS

CITY/STATE

ZIP

PHONE

DL NUMBER

STATE

BUSINESS NAME/SCHOOL NAME AND ADDRESS

CITY/STATE

ZIP

PHONE

SSN

VICTIM INFORMATION: ☐ NON DISCLOSURE (WHERE APPLICABLE) ☐ INJURY ☐ SART ☐ BLOOD ☐ URINE ☐ PHOTOGRAPH

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)

☐ STATE OF CA

RACE

M  
F

DOB

AGE

HT

WT

VICTIM ADVISED: ☐ SEXUAL ASSAULT ☐ VIC/WIT ASSIST. ☐ DOMESTIC VIOLENCE

INTERPRETER NEEDED: ☐ SPANISH ☐ VIETNAMESE ☐ OTHER:

ADDRESS

CITY/STATE

ZIP

PHONE

DL NUMBER

STATE

BUSINESS NAME/SCHOOL NAME AND ADDRESS

CITY/STATE

ZIP

PHONE

SSN

VICTIM INFORMATION: ☐ NON DISCLOSURE (WHERE APPLICABLE) ☐ INJURY ☐ SART ☐ BLOOD ☐ URINE ☐ PHOTOGRAPH

VICTIM VEHICLE

YEAR

MAKE

MODEL

BODY TYPE

COLOR

LICENSE/VIN

STATE

VICTIM #

R/O'S NAME (LAST, FIRST, MIDDLE) ☐ SAME AS VICTIM #

ADDRESS

CITY/STATE

ZIP

DAMAGE TO VEHICLE

VICTIM VEHICLE WAS: ☐ STOLEN ☐ IMPOUNDED ☐ STORED ☐ LEFT AT SCENE ☐ RELEASED AT SCENE ☐ HELD F/PRINTS ☐ PRINTED

PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT

☐ JCR

☐ DOMESTIC VIOLENCE

☐ HATE

☐ ELDER

☐ CHILD

148/243

☐ GANG

☐ PHOTOS SCENE

☐ LATENT PRINTS

☐ DRUG FIELD TEST

☐ PROPERTY

☐ EVIDENCE

☐ DIAGRAM

ITEM#

QTY

BRAND

MODEL

DESCRIPTION OF PROPERTY

SERIAL NO.

VALUE

THE (S) WAS DETAINED FOR SHOPLIFTING. HE FALSLY IDENTIFIED HIMSELF TO POLICE, AND WAS FOLLD WITH H: FALSE ID, ANOTHER PERSON'S CREDIT CARD & BOOKS ON EVASION AND CRIMINAL ACTIVITY. WHEN HE WAS TAKEN INTO CUSTODY HE WAS FOLLD WITH A HANDCUFF KEY TAPED INSIDE THE REAR OF H.S BELT. A FINGER PRINT CHECK REVEALED H.S REAL IDENTITY AND THAT HE WAS WANTED BY THE FBI FOR TERRORISM. HE WAS BOOKED INTO JAIL ON THE FBI WANT IN ADDITION TO BURGLARY AND FALSE ID.

VICTIM WAS (Check all that apply)

POINT OF ENTRY

LOCATION

METHOD OF ENTRY

VANDALISM

☐ AT HOME ☐ WALKING/JOGGING/HITCHHIKING ☐ DOOR ☐ FRONT ☐ OPEN/UNLOCKED ☐ KEYED

☐ AT WORK ☐ WEDDING/FUNERAL ☐ REAR ☐ WINDOW ☐ FORCED SCREEN ☐ BREAK WINDOW

☐ AT ATM ☐ VACATION/HOSPITAL/JAIL ☐ GARAGE ☐ SIDE ☐ CUTTING DEVICE ☐ SHOOT WINDOW

☐ AT SCHOOL ☐ UNKNOWN ☐ ADJ PREMISES ☐ ROOF ☐ BODY FORCE ☐ GRAFFITI

☐ DRIVING ☐ UNKNOWN ☐ VENT/SKYLIGHT ☐ PRY TOOL ☐ SLASHED TIRES

☐ SLEEPING ☐ OTHER ☐ UNKNOWN ☐ CHANNEL LOCKS ☐ MAILBOX

☐ UNDER INF. ☐ OTHER ☐ BREAK GLASS ☐ OTHER

☐ 5150 W&I ☐ OTHER ☐ REMOVE DOOR/WIN ☐ OTHER

☐ HANDICAPPED ☐ OTHER ☐ KEY ☐ OTHER

☐ UNKNOWN ☐ UNKNOWN ☐ UNKNOWN

ASSOCIATED CASE NUMBERS:

OFFICER'S NAME

ID NUMBER

DATE

SHIFT/DAYS OFF

SUPERVISOR REVIEW

ID NUMBER

DATE

PG

OF

Caley

3450

3-21-05

?

R. J. J.

5788

3-22-05

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7

200-2 5/96

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		SJPD SUSPECT PAGE		CASE NO 05 080 0941	
CF, 496PC, 459PC, 529PC					
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S# 1 LAST, FIRST, MIDDLE YOUNG, PETER, DANIEL		RACE W		DOB 6-26-77	
AKA / MONIKER		RELATIONSHIP TO VICTIM		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
ADDRESS TRANSIENT		CITY/STATE		ZIP	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	
DL NUMBER STATE		SSN		CITE #	
CLOTHING BLACK COAT, TAN SHIRT, BLACK PANTS		UNIQUE IDENTIFIERS FBI # 471631EB3			
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COMPLEXION <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input checked="" type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM		WEAPONS <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:		SCARS, MARKS, TATTOOS, ETC. CODE: _____ LOC: _____ DESC: _____ <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S = SCARS M = MARKS P = PIERCING T = TATTOOS MB = MISSING BODY PTS.	
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ADDRESS		CITY/STATE		ZIP	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	
DL NUMBER STATE		SSN		CITE #	
CLOTHING		UNIQUE IDENTIFIERS (CII#)			
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SUSPECT VEHICLE		YEAR		MAKE	
SUSPECT #		MODEL		BODY TYPE	
ADDITIONAL IDENTIFIERS: <input type="checkbox"/> LOWERED <input type="checkbox"/> RAISED <input type="checkbox"/> SPECIAL PAINT <input type="checkbox"/> SPECIAL WHEELS <input type="checkbox"/> SUN ROOF/T-TOP		COLOR		LICENSE/VIN	
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	
SUSPECT VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED		ZIP		DAMAGE TO VEHICLE	
OFFICER'S NAME COOLEY		ID NUMBER 3450		DATE	
SHIFT/DAYS OFF		SUPERVISOR REVIEW		ID NUMBER	
DATE		PG 2 OF 7			

05 080 C941  
SJPD

\*\* STARBUCKS COFFEE COMPANY \*\*

ALAMEDA & JULIAN #05527  
SAN JOSE CA95126

8 CD RAY GENIUS 127.60  
188109

SUBTOTAL 127.60

TAX 8.25 10.53

TOTAL 138.13

CASH 138.13

CHANGE DUE 0.00

Please retain this receipt in case  
a refund is necessary.

05527 01C1 703225 001167996M

03/21/05 20:08

We're known for our coffee.  
But our people make us famous.

Discover a career with us.

[www.starbucks.com/jobs](http://www.starbucks.com/jobs)

459PC, 496PC, 529PC

05 080 0941

## 1 NARRATIVE:

2 ON 3:21:05, AT APPROXIMATELY 2200 HRS, I RESPONDED TO THE STARBUCKS  
3 ON JOLIAN AND THE ALAMEDA TO ASSIST OFFICER COOLEY #3450 ON  
4 A PEDESTRIAN STOP. UPON ARRIVAL OFFICER COOLEY INFORMED ME THAT  
5 THE SUBJECT HAD CONCEALED EIGHT CDS ON HIS PERSON IN WHAT APPEARED  
6 TO BE AN ATTEMPT TO STEAL.

7 WHILE OFFICER COOLEY SPoke TO THE SUBJECT I NOTICED A BOOK  
8 SITTING NEXT TO HIM TITLED, "SMASH AND GRAB". I ASKED THE SUBJECT IF  
9 THE BOOK WAS HIS TO WHICH HE REPLIED, "YES" WITH A "SMIRK". UPON LOOKING  
10 IN HIS BACKPACK I LOCATED TWO OTHER BOOKS, "EVASION" AND, "AGE OF  
11 PROPAGANDA". THESE BOOKS OUTLINED "DUMPSTER DIVING, SQUATTING AND SHOPLIFTING  
12 YOUR LIVES BACK". HE HAD NUMEROUS "BOARDS" CAFE FREE SERVICE CARDS  
13 AND WHAT APPEARED TO BE A HOLE PUNCH STOCKED FROM BOARDS USED TO  
14 PUNCH THESE CARDS. HE ALSO HAD 15 RECEIPTS FOR US MAIL PICK UP  
15 WITH DIFFERENT NAMES ON EACH.

16 OFFICER COOLEY HANDED ME HIS WALLET WHICH HAD CONTAINED AN  
17 ID LISTING THE SUBJECT AS SIMON ZIMBAL. INSIDE THAT WALLET I  
18 LOCATED A CREDIT CARD FROM WELLS FARGO WITH THE NAME OF [REDACTED]  
19 [REDACTED] OFFICER COOLEY ARRESTED THE SUBJECT.

21 I FOLLOWED OFFICER COOLEY TO THE PRE-PROCESSING CENTER. ONCE  
22 INSIDE I ASSISTED HIM WITH PROCESSING THE SUBJECT. AFTER THE  
23 SUBJECT WAS FINGERPRINTED I WENT TO TALK TO THE SUBJECT. I  
24 ASKED HIM BASIC PERSONAL INFORMATION QUESTIONS TO COMPLETE A BOOKING  
25 SHEET. THE SUBJECT CONTINUALLY INVOKED HIS RIGHT TO REMAIN  
26 SILENT EVEN ON SIMPLE QUESTIONS LIKE WHO SHOULD BE CONTACTED IN  
27 CASE OF AN EMERGENCY. I CONFIRMED WITH HIM THAT HIS NAME WAS  
28 SIMON ZIBAL AND GAVE HIM AN OPPORTUNITY TO GIVE ME HIS REAL NAME.  
29 THE SUBJECT STATED HE HAD NOTHING MORE TO TELL ME.

30 I CONTACTED OUR CENTRAL ID OFFICE WITH THE SUBJECTS PRINTS.

OFFICER'S NAME

PASQUALE

ID NUMBER

3595

DATE

3-21-05

SHIFT/DAYS OFF

SWANES/TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 1 OF 2



459pc, 496pc, 529pc

05 080 0941

## 1 NARRATIVE (CONT):

2 CENTRAL ID RAN HIM THROUGH A STATEWIDE SEARCH WHERE THEY FOUND  
3 A MATCH LISTING THE SUBJECT AS A PETER YOUNG. OFFICER COOLEY  
4 TOOK THIS NEW INFORMATION TO OUR RECORDS UNIT WHERE THEY  
5 WERE ABLE TO LOCATE A FELONY WARRANT ON THE SUBJECT FROM  
6 THE FBI FOR ANIMAL TERRORISM. THIS WARRANT WAS CONFIRMED  
7 THROUGH MILWAUKEE FBI.

8 I TRANSPORTED AND BOOKED THE SUBJECT INTO COUNTY JAIL.  
9 I ASSISTED OFFICER COOLEY IN PROCESSING AND BOOKING ALL ITEMS LISTED  
10 AS EVIDENCE AND SAFEKEEPING. NUMEROUS ITEMS WERE BOOKED AS EVIDENCE  
11 TO SHOW AN ONGOING LIFESTYLE OF STEALING, FRAUD AND IDENTITY THEFT. OTHER  
12 ITEMS WERE BOOKED AS POSSIBLE EVIDENCE OF AN ONGOING CONSPIRACY IN  
13 REGARDS TO THE FBI'S CHARGES. ALL ITEMS FOUND TO BE NON-RELEVANT TO  
14 ANY ONGOING CRIMINAL ACTIVITIES OR CONSPIRACIES WERE BOOKED FOR SAFEKEEPING.

OFFICER'S NAME

ID NUMBER

DATE

SHIFT/DAYS OFF

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 2 OF 2

PASQUALE

3595

3-21-05

SW/MS/TJS

6F, 446PC, 459PC, 529PC

1 NARRATIVE:

2

3 ON 3-21-05, AT ABOUT 2125 HRS, I WAS ON DUTY  
4 IN UNIFORM IN THE STARBUCKS COFFEE AT  
5 THE ALAMEDA / W. JULIAN.

6

7 I SAW THE SUSPECT NEAR A DISPLAY OF STORE  
8 MERCHANDISE. IT APPEARED THAT HE SELECTED  
9 SOME MUSIC CD'S FROM THE DISPLAY AND  
10 CONCEALED THEM IN A COAT HE WAS CARRYING.  
11 HE THEN SAT IN A LARGE ARM CHAIR AND  
12 CONCEALED THE COAT, CONTAINING THE CD'S,  
13 BEHIND HIM.

14

15 I WAS VERY SUSPICIOUS OF HIS ACTIVITY AND  
16 BASED ON MY EXPERIENCE I BELIEVED HE  
17 WAS A SHOPLIFTER. I DID NOT WANT TO  
18 ALLOW HIM TO EXIT. FREQUENTLY SHOPLIFTERS  
19 WILL RUN OR HAVE A CAR WAITING OUTSIDE.  
20 I QUICKLY APPROACHED HIM AS HE SAT  
21 IN THE CHAIR.

22

23 I ASKED THE SUSPECT IF HE WOULD HOLD  
24 UP HIS COAT, AND HE DID. 8 MUSIC CD'S  
25 FELL OUT, ALL IDENTICAL. THE SUSPECT TOLD  
26 ME HE WAS GOING TO PURCHASE THE CD'S  
27 PRIOR TO LEAVING. HE DID NOT HAVE ENOUGH  
28 MONEY WITH HIM TO PAY, AND HE COULD NOT  
29 TELL ME WHICH CD'S HE HAD SELECTED.

30

OFFICER'S NAME

COLEY

ID NUMBER

8450

DATE

3-21-05

SHIFT/DAYS OFF

2 TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 3 OF 7



1 I ASKED HIM FOR IDENTIFICATION AND HE PROVIDED  
2 ME WITH A VIRGINIA ID # T63-44-1501 WITH  
3 THE NAME SIMON WILLIAM ZIMBAL. I DID  
4 NOT THINK THE PHOTO WAS OBVIOUSLY HIM.  
5 THE SUSPECT TOLD ME THE PHOTO WAS HIM  
6 AND HE WAS SIMON ZIMBAL. I WAS SUSPICIOUS  
7 OF THE ID. I DID A RECORDS CHECK WITH THE  
8 ID AND SIMON ZIMBAL WAS CLEAR OF ANY  
9 WANTS WITH NO ID MATCH IN CALIFORNIA.

11 OFFICER PASQUALE #3595 ARRIVED TO ASSIST. I  
12 EXPLAINED THE SITUATION TO OFC. PASQUALE & ASKED HIM  
13 TO CHECK THE SUSPECT'S BELONGINGS FOR  
14 ADDITIONAL ID, AND OR MORE STOLEN ITEMS.  
15 I GAVE OFFICER PASQUALE THE SUSPECT'S WALLET  
16 AND I WENT TO SPEAK WITH A STORE EMPLOYEE.

18 THE EMPLOYEE VERIFIED THE CD'S WERE STARBUCK'S  
19 MERCHANDISE AND TOTALED THE VALUE AT \$138.13.

21 OFFICER PASQUALE ADVISED ME THAT THE SUSPECT  
22 HAD ANOTHER PERSON'S VISA CARD AND BOOKS ABOUT  
23 STERLING, EVASION, AND - CRIMINAL ACTIVITY.

25 I WAS STILL CONCERNED THAT THE SUSPECT'S ID  
26 WAS NOT HIM. I WAS ALSO SUSPICIOUS HE MAY  
27 HAVE POSSESSION OF A STOLEN CREDIT CARD. I  
28 DECIDED TO TAKE HIM TO PPC FOR FURTHER  
29 INVESTIGATION.



1 I HANDCUFFED THE SUSPECT AND WALKED HIM  
2 OUTSIDE TO MY POLICE CAR. OFFICER  
3 PASQUALE COLLECTED THE SUSPECTS BELONGINGS  
4 AND I LOOKED THEM IN THE TRUNK OF MY  
5 CAR.

7 I SEARCHED THE SUSPECT PRIOR TO PLACING HIM  
8 IN THE BACK OF MY CAR. I FOUND A  
9 HANDCUFF KEY TAPED UNDER HIS BELT IN  
10 THE REAR, WHERE HIS HANDS WERE WHILE  
11 HANDCUFFED. I REMOVED HIS BELT, SHOES, & ALL  
12 OF HIS BELONGINGS AND PLACED THEM IN  
13 THE TRUNK OF MY CAR.

15 I TOOK THE SUSPECT TO PPC. AND OFFICER  
16 PASQUALE CAME WITH ME TO ASSIST.

18 THE PPC STAFF FINGERPRINTED THE SUSPECT  
19 WHILE I ATTEMPTED TO CONTACT WELLS  
20 FARGO TO CHECK ON THE CREDIT CARD  
21 THE SUSPECT HAD IN HIS POSSESSION.  
22 WELLS FARGO ADVISED THE ACCOUNT HAD  
23 BEEN CLOSED BUT WOULD NOT GIVE ME  
24 ANY OTHER INFORMATION.

26 OFFICER PASQUALE SPOKE TO THE SUSPECT  
27 BUT THE SUSPECT REFUSED TO EVEN  
28 PROVIDE BASIC PERSONAL INFORMATION.

30 THE FINGERPRINT CHECK AT PPC WAS

OFFICER'S NAME

COLEMAN

ID NUMBER

3450

DATE

3/21/05

SHIFT/DAYS OFF

2TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 5 OF 7



FOR SANTA CLARA COUNTY ONLY, AND SHOWED THE SUSPECT CLEAR WITH NO PRIOR CONTACTS. I ASKED OFFICER PASQUALE TO TAKE THE PRINTS TO CENTRAL ID TO FURTHER INVESTIGATE THE SUSPECT'S IDENTITY.

CENTRAL ID FOUND A MATCH FOR THE SUSPECT WITH THE NAME PETER DANIEL YOUNG DOB: 6-26-77, WITH FBI AND CII NUMBERS ASSOCIATED.

I TOOK THE NEW INFORMATION TO THE RECORDS UNIT WHO FOUND THE SUSPECT WAS WANTED BY THE FBI FOR TERRORISM. I HAD THE WARRANTS UNIT CONFIRM THE FBI WANT.

OFFICER PASQUALE TOOK THE SUSPECT TO THE SANTA CLARA COUNTY JAIL AND BOOKED HIM FOR: THE FBI WANT, BURGLARY, POSSESSION OF STOLEN PROPERTY, AND FALSE IDENTIFICATION.

### EVIDENCE RECOVERED:

WE BOOKED NUMEROUS PIECES OF EVIDENCE INTO CENTRAL SUPPLY, INCLUDING: THE CREDIT CARD, BELT WITH HAND CUFF KEY, BOOKS ON "HOW TO" CRIMINAL BEHAVIOR

REPORT TYPE ☐ SUPPLEMENTAL

SJPD  
CONTINUATION

CASE NO.

05 080 0941

CLOTHING, THE VIRGINIA ID, AND MANY  
OTHER ITEMS. REFER TO ATTACHED  
PROPERTY LISTING REPORTS FOR ADDITIONAL  
DETAILS.

WE BOOKED THE REMAINDER OF THE SUSPECT'S  
ITEMS FOR SAFE KEEPING.

I PHOTOGRAPHED ALL THE ITEMS AND BOOKED  
THE FILM INTO THE BIN AT CENTRAL SUPPLY.

1

12

13

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22

23

24

25

26

27

28

29

30

OFFICER'S NAME

Coley

ID NUMBER

3150

DATE

3-21-05

SHIFT/DAYS OFF

2TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 7 OF 7



1 I HANDCUFFED THE SUSPECT AND WALKED Him  
2 OUTSIDE TO MY POLICE CAR. OFFICER  
3 PASQUALE COLLECTED THE SUSPECTS BELONGINGS  
4 AND I LOCKED THEM IN THE TRUNK OF MY  
5 CAR.

7 I SEARCHED THE SUSPECT PRIOR TO PLACING Him  
8 IN THE BACK OF MY CAR. I FOUND A  
9 HANDCUFF KEY, TAPED UNDER HIS BELT IN  
10 THE REAR, WHERE HIS HANDS WERE WHILE  
11 HANDCUFFED. I REMOVED HIS BELT, SHOES, & ALL  
12 OF HIS BELONGINGS AND PLACED THEM IN  
13 THE TRUNK OF MY CAR.

15 I TOOK THE SUSPECT TO PPC. AND OFFICER  
16 PASQUALE CAME WITH ME TO ASSIST.

18 THE PPC STAFF FINGERPRINTED THE SUSPECT  
19 WHILE I ATTEMPTED TO CONTACT WELLS  
20 FARGO TO CHECK ON THE CREDIT CARD  
21 THE SUSPECT HAD IN HIS POSSESSION.  
22 WELLS FARGO ADVISED THE ACCOUNT HAD  
23 BEEN CLOSED BUT WOULD NOT GIVE ME  
24 ANY OTHER INFORMATION.

26 OFFICER PASQUALE SPOKE TO THE SUSPECT  
27 BUT THE SUSPECT REFUSED TO EVEN  
28 PROVIDE BASIC PERSONAL INFORMATION.

30 THE FINGERPRINT CHECK AT PPC WAS

OFFICER'S NAME COOLEY	ID NUMBER 3450	DATE 3-21-05	SHIFT/DAYS OFF 2 TW	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 5 OF 7
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1 FOR SANTA CLARA COUNTY ONLY, AND SHOWED  
2 THE SUSPECT CLEAR WITH NO PRIOR  
3 CONTACTS. I ASKED OFFICER PASQUALE TO  
4 TAKE THE PRINTS TO CENTRAL ID TO  
5 FURTHER INVESTIGATE THE SUSPECT'S  
6 IDENTITY.

8 CENTRAL ID FOUND A MATCH FOR THE SUSPECT  
9 WITH THE NAME PETER DANIEL YOUNG  
10 DOB: 6-26-77, WITH FBI AND CII NUMBERS  
11 ASSOCIATED.

13 I TOOK THE NEW INFORMATION TO THE RECORDS  
14 UNIT WHO FOUND THE SUSPECT WAS WANTED  
15 BY THE FBI FOR TERRORISM. I HAD  
16 THE WARRANTS UNIT CONFIRM THE FBI  
17 WANT.

19 OFFICER PASQUALE TOOK THE SUSPECT TO THE  
20 SANTA CLARA COUNTY JAIL AND BOOKED  
21 HIM FOR: THE FBI WANT, BURGLARY,  
22 POSSESSION OF STOLEN PROPERTY, AND  
23 FALSE IDENTIFICATION.

### EVIDENCE RECOVERED:

27 WE BOOKED NUMEROUS PIECES OF EVIDENCE  
28 INTO CENTRAL SUPPLY, INCLUDING: THE  
29 CREDIT CARD, BELT WITH HAND CUFF  
30 KEY, BOOKS ON "HOW TO" CRIMINAL BEHAVIOR

OFFICER'S NAME

COWLEY

ID NUMBER

340

DATE

3-21-05

SHIFT/DAYS OFF

2 TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 6 OF 7

1 CLOTHING, THE VIRGINIA ID, AND MANY  
2 OTHER ITEMS. REFER TO ATTACHED  
3 PROPERTY LISTING REPORTS FOR ADDITIONAL  
4 DETAILS.

5  
6 WE BOOKED THE REMAINDER OF THE SUSPECT'S  
7 ITEMS FOR SAFE KEEPING.

8  
9 I PHOTOGRAPHED ALL THE ITEMS AND BOOKED  
10 THE FILM INTO THE BIN AT CENTRAL SUPPLY.

OFFICER'S NAME

Carley

ID NUMBER

3450

DATE

3-21-05

SHIFT/DAYS OFF

2TWT

SUPERVISOR REVIEW

ID NUMBER

DATE

PG 7 OF 7



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # \_\_\_\_\_

On (date) 3/31/05


item(s) listed below were:

- ☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) Personal Items of Peter Daniel Young(Street Address) Taken into custody from San Jose Police Department

(City) \_\_\_\_\_

Description of Item(s): \_\_\_\_\_

- a) One Hewlett Packard 3.2 mega-pixel digital camera, serial number CN479145M  
b) One gray and blue-colored, Motorola IQ54L cellular telephone, Model Number H57UAN6RR7AN, serial number 919TCQ1088, SIM card Number <sup>890130</sup> /08007050437.  
c) One X-symbol key ring containing seven keys.  
d) Fifteen US postal service delivery confirmation Receipts, dated between January 13, 2005 and February 8, 2005.  
e) One store receipt for street light Records, dated January 26, 2005 at 7:30pm located at 939 Pacific Avenue, Santa Cruz, CA 95060 telephone number (831) 421-9200.  
f) One address/telephone book, marked on the outside "EMBRACE 100" and "EARTH CRISIS FOREVER TRUE"  
g) One FedEx-Kinko's office and print center stored value card, number VC426370R06 or VC426370R06.  
h)   
i) One Virginia Identification, card number T63-44-1501, issued in the name of Arret Simon William Zimbal, date of birth April 2, 1976, height 6'0", Address 1020 William Street #512, Fredericksburg, Virginia 22401-5462

Received By:   
(Signature)Received From: \_\_\_\_\_  
(Signature)

05 080 0941  
SJPD

*Virginia*  
IDENTIFICATION CARD

CUSTOMER NO. T63-44-1501

HEIGHT 6-00

DOB 04-02-1976

SEX M

EXPIRES 03-01-2008


ISSUED ORI 03-01-2003

NOT A LICENSE TO OPERATE A MOTOR VEHICLE

*Simon William Zimbal*

ZIMBAL, SIMON WILLIAM  
1020 WILLIAM ST #512  
FREDERICKSBURG, VA 22401-5462  
FREDERICKSBURG

ORGAN DONOR



Person from Arrest), will be found in the items to be seized which are more particularly described in Attachments C and D, which are attached hereto and incorporated herein by reference.

### Background

6. On March 21, 2005, a man initially identified as Simon William Zimbal ("Zimbal"), a white male, date of birth April 2, 1976, was detained by SJPD Officers for attempting to shoplift eight of the same compact disks, titled "Ray Genius," from Starbucks at The Alameda. When asked for proof of his identification, the man verbally identified himself as Zimbal after providing a Virginia Identification card in the name of Zimbal. Upon further review of the man's belongings for additional stolen merchandise, SJPD Officers discovered, among other items an unsigned Wells Fargo Visa credit/check card in the name of [REDACTED]. The man, identifying himself as Zimbal, was placed under arrest, handcuffed, and searched, whereupon a handcuff key was found near the small of his back, taped to the inside of his belt.
7. During the SJPD booking process, the person originally identified as Zimbal was positively identified as Peter Daniel Young through a fingerprint comparison. Young was further identified with a date of birth of June 26, 1977, as having brown eyes and brown hair, and as being six feet (or 72 inches) tall and approximately 150 pounds. SJPD inventoried Young's belongings and booked them for evidence and/or safekeeping. At the time of his arrest, Young was in possession of numerous items including items described in Attachment D. These items were transferred to the custody of the FBI on March 24, 2005.
8. On September 16, 1998, Young and co-conspirator Justin Clayton Samuel ("Samuel") were indicted in the U.S. District Court for the Western District of Wisconsin on four counts of violating Title 18 U.S.C. § 1951 (Interference with Commerce by Threats or Violence) and three counts of violating Title 18 U.S.C. § 43(a) (Animal Enterprise Terrorism). They were indicted in connection with direct actions as related to the release of mink from Wisconsin fur farms from October 24 to 26, 1997. A copy of the federal Indictment in the case of United States of America v. Peter Daniel Young and Justin Clayton Samuel, docket number 98-CR-91-S, is attached hereto as Exhibit A and incorporated herein by reference. Prior to their indictment, Young and Samuel were stopped on October 28, 1997, by police in Wisconsin, and on October 29, 1997, a search warrant was executed for the contents of their vehicle. Among other things in the car, it was discovered that Young kept a personal diary, various phone lists, receipts, literature and documents. An analysis of these items showed that Young documented some of their travels and their animal rights associates.
9. On September 18, 1998, valid federal warrants were issued by the U.S. District Court for the Western District of Wisconsin for the arrest of both Young and Samuel. A copy of the federal Arrest Warrant for Young, is attached hereto as Exhibit B and incorporated herein by reference.
10. Notwithstanding ongoing attempts to locate and arrest Young and Samuel, both individuals knowingly and willfully avoided capture, as federal fugitives, until such time as each was



captured by law enforcement officials. Through continued investigation by the FBI, and other law enforcement agencies, Samuel was arrested on September 4, 1999, in Hasselt, Belgium by the Belgian National Police. Samuel was subsequently extradited to the U.S. where on November 3, 2000, he pled guilty to two counts of Title 18 U.S.C. § 43(a) (Animal Enterprise Terrorism). Young still remained a federal fugitive during that time period.

11. Beginning upon Young's indictment, the FBI and other law enforcement agencies attempted to locate Young, by various means, including among other things, through contacts with his family members, through providing information to the media and over the Internet, and through notification to domestic local, state and federal law enforcement agencies and to foreign law enforcement organizations associated through Interpol.

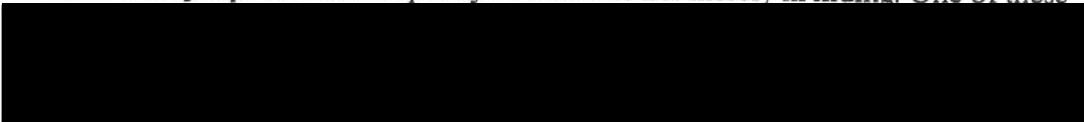
#### **Facts and Circumstances Supporting Probable Cause**

12. Based on my training, education and experience, I know that some individuals involved in the animal rights movement commit various acts of criminal activity. Some of these individuals act alone and some act in collaboration with other persons. A number of animal rights groups encourage and/or solicit their members and other associates to commit activities which they consider to be "direct actions". Direct actions normally encompass some element of criminal activity and do not typically include legal protest activities or demonstrations. For example, the Animal Liberation Front ("ALF") has claimed responsibility for many direct actions that have caused several million dollars in damages.
13. Animal rights groups generally do not have an organized membership for the purpose of conducting their criminal activities. ALF actions, for instance, are typically conducted by "cells" or small groups of people operating independently and without formal direction from any centralized leadership. These decentralized "cells" commit direct actions against known animal rights targets, such as medical laboratories that conduct animal testing. Most direct actions are then reported anonymously to the public, through the Internet and other means, on behalf of an animal rights group itself, such as in the case of ALF.
14. The investigation into Young's activities since the warrant was issued for his arrest indicate that he has maintained his affiliation with animal rights activists, at least since 2004. In or about July or August 2004, an officer with the Santa Cruz police department making a welfare check for a woman living at 703 3<sup>rd</sup> Street in Santa Cruz, the same building in which Young has resided since May 2003, identified Young, [REDACTED] a known animal rights activist, and several suspected animal rights activists at that location. On or about July 12, 2004, an individual identifying himself as Simon Zimbal, date of birth April 2, 1976, was stopped in Indiana along with [REDACTED] a nationally recognized animal rights activist. The Total Liberation Tour, an anarchist and animal rights presentation, was being held in Indiana at the same time that [REDACTED] and Zimbal were identified.

15. Young is also suspected of having more recent contact with other animal rights activists. As stated above, Young had a Visa card in the name of [REDACTED] in his possession at the time of arrest. [REDACTED] is a known animal rights activist who lives in San Francisco. Among other activities, [REDACTED] [REDACTED] for her involvement in an animal rights direct action. The postal carrier who delivers mail to 703 3<sup>rd</sup> Street in Santa Cruz states that [REDACTED] receives mail at that location.
16. Several items in Young's possession at the time of his arrest as a federal fugitive, including a bus map, a Kinko's card and a music store receipt, place him within several blocks of [REDACTED] house. [REDACTED] is a known animal rights activist who resides in Santa Cruz. Beginning on or before April 20, 1997, [REDACTED] had some association with, knowledge of, or [REDACTED]
17. Since the time of Young's arrest, the investigation has revealed that Young has been living in Santa Cruz under the assumed identity of Zimbal. Santa Cruz Property Management Company advised that Young, using the Zimbal alias, rented the 703 3<sup>rd</sup> Street, Apartment # 7 address beginning on or about May 5, 2003 until the present. Based on my training and experience, I am aware that fugitives will often keep records of the people who have assisted them, the places where they have been while evading law enforcement, as well as potential places to go to in the event of detection. Often this may occur at a location that the fugitive considers safe. Furthermore, safe locations can include the place where the fugitive is currently hiding. In fact, Young has previously demonstrated his routine of recording his contacts and travels, as was discovered during the search of Young and Samuel's vehicle in 1997 as discussed above.
18. I also believe the following specific items, which are listed in Attachment D as being in Young's possession when he was arrested, provide probable cause to believe that Young was living in Santa Cruz in order to receive some form of assistance from local animal rights supporters, and that evidence of their support will be found in these items.
- a. A Hewlett Packard 3.2 mega-pixel digital camera, model number M307, serial number CN479145MK. Young's possession of the camera suggests the possibility that photographs of some of his recent friends and/or associates may be in memory on the camera.
  - b. One gray and blue-colored Motorola Nextel I95CL cellular telephone, model number H57UAN6RR7AN, serial number 919TCQ1088, SIM card number 890130/0800705043736F. Young's possession of a cellular phone suggests that he is in contact with people, possibly friends and/or associates. A Nextel representative was contacted by Agents and provided with the serial number and SIM card number of



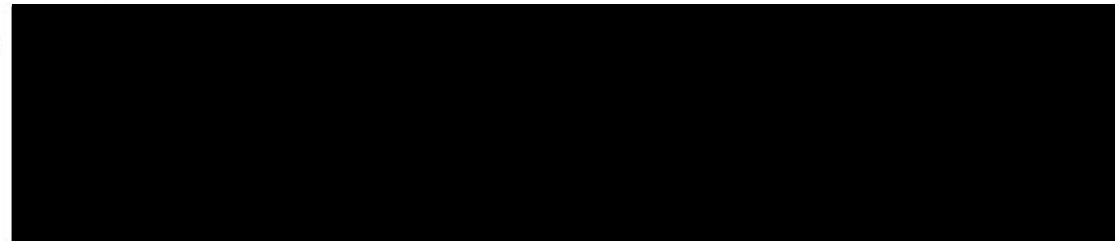
the phone found in Young's possession. The Nextel employee was unable to identify any cellular telephone for which Nextel provided service and advised that the SIM number printed on the SIM card may not be accurate and that Nextel did not have a record of the serial number provided. The Nextel representative further advised that an accurate SIM number for this Nextel telephone could be identified after turning the phone on and accessing several menu functions. The actual SIM card number and the telephone number for this phone are, as of yet, unknown or unable to be verified without turning on the phone and accessing its internal memory. The telephone number for this phone is unknown, however this Affidavit is seeking to allow Agents to turn the phone on and access the memory of the phone and any voicemail messages that may have been recorded.

- c. One X-symbol key ring, containing seven keys. Young's possession of these keys, which do not seem to contain any vehicle keys from a visual inspection of the keys, suggests that he had a residence, as the keys fit a general description of house or apartment keys. These keys have yet to be copied, however, this Affidavit seeks to allow Agents to copy the keys for comparison at a number of possible addresses visited by Young.
- d. 15 U.S. Postal Delivery Confirmation receipts, dated between January 13, 2005 and February 8, 2005. Eleven were stamped from the East Santa Cruz Post Office, zip code 95062, and four were stamped from the Santa Cruz Post Office, zip code 95060. Young's possession of these suggests that he was mailing out several packages in at least the January and February 2005 time frame, and therefore that he was making contact with people in some capacity and he was not merely in hiding. One of these  
  
Young as someone who brought between 20 to 50 small "media mailer" packages containing CDs, digital video disks ("DVDs"), or books to mail out to customers of his unspecified business, which he said he operated through his computer. This provides probable cause to believe that a computer, and possibly business-related records and contacts, will be located at Young's residence.
- e. One address/telephone book marked on the outside with "EMBRACE 10D" and an "EARTH CRISIS FOREVER TRUE" sticker, dated 2001. Given the nature of an address/telephone book, there is probable cause to believe that the address/telephone book found in Young's possession at the time of arrest will contain information relating to means of contacting individuals. Based on my training and experience working on animal rights movement and fugitive cases, I believe that Young would maintain records of means by which he could contact those willing to assist him.
- f. One store receipt for Streetlight Records in Santa Cruz dated January 26, 2005 at 7:30

pm, located at an address of 939 Pacific Avenue, Santa Cruz, California 95060, telephone number (831) 421-9200. Agents interviewed several employees of this store, one of whom recognized a photograph of Young and stated that Young had been frequenting the store over approximately the past year. Young was last seen in the store about one week before his arrest. This store is approximately three blocks from [REDACTED]

- g. One FedEx-Kinko's Office and Print Center Card, number VC42637OR06, or possibly VC426370R06. The card has a small, white piece of paper taped to the front with "3.16" written on the paper. Agents visited the store and determined that such cards, with similar serial numbers, are sold from a vending-style kiosk within the store. This card records all customer transactions, such as sending a facsimile or making copies, on the memory chip. That specific information has yet to be accessed, but this Affidavit seeks to allow Agents to access the memory of the chip to determine its activity and the exact location of that activity. This Fedex/Kinko's store is approximately one block from [REDACTED] residence.

h.



activation sticker was still affixed to the front of the card. Initial investigation into this Visa, as conducted by the arresting SJPd officers on or about March 21, 2005, revealed that the credit card had been activated, but the card had neither been reported stolen nor cancelled and the card expires in January 2007. Since Young has been in the Santa Clara County Jail, several outgoing calls made by him have been recorded and reviewed by Agents. One such call on or about March 26, 2005 is a recording of Young speaking with an unknown female. A part of their conversation revolves around the fact that Young is being charged with felony possession of a stolen credit card. Regarding this assertion, Young comments something to the effect of "I definitely didn't have any stolen credit cards on me" at the time of his arrest. This comment by Young bolsters probable cause that [REDACTED] an unknown individual, may have provided the Visa card to Young and [REDACTED] aiding him in avoiding capture. Additional details about the activity of [REDACTED] Visa account have not yet been made available to investigators from Wells Fargo.

- i. One Virginia Identification card number T63-44-1501, issued in the name of Simon William Zimbal, date of birth April 2, 1976, height 6'0", address 1020 William Street # 512, Fredericksburg, Virginia 22401-5462. The card was issued on March 1, 2003 and was due to expire on March 1, 2008, in the name of Zimbal. Some significance for this item has been discussed; however, additional investigation by Agents has



revealed that Young used this identity to rent the apartment at 703 3<sup>rd</sup> Street, Apartment # 7 in Santa Cruz from on or about May 5, 2003 to the present.

### **Description of Computer Systems and Electronic Storage Devices and Media**

19. I have consulted with FBI Computer Forensic Examiner ("CFE") Donald C. See, who has been employed with the FBI for approximately 22 years. CFE See is specially trained in computer search and seizure and is certified by the FBI as a member of the FBI Computer Analysis Response Team (CART). CFE See has been a member of CART for approximately seven years and has conducted numerous searches and seizures involving computers and computer data. CFE See has also told me what is summarized in paragraphs below.
20. Computer hardware, software, documentation, passwords, and data security devices may be important to a criminal investigation in two distinct respects: (1) the items themselves may be instrumentalities, fruits, and/or evidence of crime; and/or (2) items may have been used to collect and store information about crimes (in the form of electronic data). Thus, Rule 41 of the Federal Rules of Criminal Procedure permits the government to search and seize computer hardware, software, documentation, passwords, and data security devices which are: (1) instrumentalities, fruits and/or evidence of crime; and/or (2) storage devices for information about crimes.
21. Based on his knowledge, training, and experience, CFE See knows that searching and seizing information from computers often requires agents to seize most of all electronic storage devices (along with related peripherals) to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is true because of the following:
22. Computer storage devices can store the equivalent of thousands of pages of information. Additionally, a suspect may try to conceal evidence; he or she might also store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and often it would be impractical to attempt this kind of search on site.
23. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. For example, on site and laboratory analysis by a qualified computer specialist is often required in order to properly retrieve and analyze electronically stored (computer) data, document and authenticate the data, and prevent the loss of the data either from accidental or deliberate programmed destruction. In many cases, the evidentiary data can be backed up to government owned computer data storage devices at the site of the search. However, there are circumstances that may necessitate the seizure and removal of the entire computer system and peripheral devices to a secure laboratory setting in order to analyze and extract the evidence. To effect accurate and complete analysis may require seizure of all computer equipment and peripherals which may be interdependent, the software to operate the computer system, data security devices (including passwords) and related instruction manuals

which contain directions concerning the operation of the computer system and software programs. This is true because the peripheral devices which allow users to enter or retrieve data from the storage devices vary widely in their compatibility with other hardware and software. Many system storage devices require particular input/output devices in order to read the data on the system. It is important that the computer expert be able to properly re-configure the system as it now operates in order to accurately retrieve the evidence. In addition, the computer expert needs the relevant system software (operating systems, interfaces, and hardware drivers) and any application software which may have been used to create the data (whether stored on hard drives or on external media), as well as all related instruction manuals or other documentation and data security devices.

24. Based on the above facts and circumstances and information, permission is requested to seize all computer systems and peripherals if necessary even though there may be unrelated information stored on the computer system(s). This unrelated data will not be used and will be separated (to the extent possible) from the evidentiary data and preserved.
25. The terms "records," "documents," and "materials" include all of the items described in Attachments C and D in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.

### Conclusion


26. From on or about September 18, 1998 through the present, Young has knowingly and willfully avoided capture as a federal fugitive given his lifestyle over at least the last two years by his possessing and utilizing a false Virginia Identification card to live and work undetected by law enforcement. Based on the facts as described in this Affidavit, I have probable cause to believe that one or more individuals, possibly including [REDACTED] have in some manner assisted Young in remaining concealed from arrest.
27. Young remains in the custody of the Santa Clara County Department of Corrections, awaiting transfer into federal custody and potential extradition to the Western District of Wisconsin. Young's personal belongings currently remain in the lawful custody of the United States.
28. Based on the foregoing facts, along with my knowledge of the case, my education, training, and experience as a federal law enforcement officer, and consultation with others involved in this investigation, I have probable cause to believe that at some unknown date on or after September 18, 1998 until on or about the present, an unknown number of Young's friends and/or associates have engaged in being an Accessory After the Fact in violation of Title 18 U.S.C. § 3, Conspiracy to Conceal a Person from Arrest in violation of Title 18 U.S.C. § 371, and Concealing a Person from Arrest in violation of Title 18 § 1071; and that evidence, fruits, and instrumentalities of such violations, further described in Attachments C and D, will be found at the following location and among the following items and will provide additional evidence of



violations of these federal criminal statutes.

29. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060. The place to be searched is further described in Attachment A.
30. Certain items found on the person of, or in the possession of, Peter Daniel Young, a white male, date of birth June 26, 1977, at the time of his arrest on March 21, 2005 by SJPd. The items to be searched are further described in Attachment D.
31. This is a continuing investigation into who, if anybody, assisted Young during his years as a fugitive. Although he is currently in custody and some of his suspected associates are aware that he has been arrested, these and other individuals may attempt to conceal the efforts they made to assist him. As such, disclosure of the search warrant, the application, this affidavit and attachments, and the exhibits hereto, will jeopardize the successful progress of this investigation. Therefore I request that this search warrant, the application, this affidavit and attachments, and the exhibits hereto, be sealed until further order of the Court.

Sworn to this 31<sup>st</sup> day of March, 2005 at SAN FRANCISCO, California.

  
SCOTT A. MERRIAM  
Special Agent  
United States Department of Justice  
Federal Bureau of Investigation

Sworn to and subscribed before me on this 31<sup>st</sup> day of March, 2005.

  
JOSEPH C. SPERO  
United States Magistrate Judge

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/12/2005

On April 12, 2005, pursuant to three federal search warrants signed and authorized on April 9, 2005 by U.S. Magistrate Judge Maria Elena James, for the Northern District of California in San Francisco, the following investigation was conducted at 703 3rd Street, Unit 7, Santa Cruz, California; 850 Front Street, Santa Cruz, California; and 245-M Mount Herman Road, PMB #124, Scotts Valley, California by Special Agents (SAs) of the Federal Bureau of Investigation and other San Francisco JTTF Officers:

At approximately 11:35am, SA Ito obtained two keys from Christine McCormack, property manager for 703 Third Street, Unit 7, Santa Cruz, California. McCormack advised that one key opened the front door of Unit 7, and the other key opened the Unit 7 mailbox, located just outside the apartment complex. Also, when asked by SA Ito, McCormack stated that she did not believe anyone else had been inside the residence since the last time it was entered by law enforcement.

At approximately 11:40am, SA Ito knocked and announced the execution of a federal search warrant. After waiting approximately twenty to thirty seconds and not detecting any sounds or movement from within the apartment, SA Ito used the key provided by McCormack to unlock both the lower and upper locks of the door to Unit 7. A security sweep of the residence was conducted in order to secure the premises. The rooms were re-labeled in accordance with the search warrant which was executed at the same location on 03/31/2005. A copy of the sketch drafted during the 03/31/2005 search is attached to this FD-302.

The following is a list of the FBI SAs and other JTTF Officers who participated in the search and their designated assignments:

SA T. M. Ito - Team Leader, Evidence Recovery Log  
Naval Criminal Investigative Service SA Robert S. Colvin  
- Photographer, Finder, Searcher  
SA Arvinder K. Ginda - Photographic Log, Searcher  
SA Jeffrey W. Madison - Finder, Searcher  
SA George Dobberstein - Finder, Searcher  
Federal Air Marshal (FAM) Greg Abreu - Finder, Searcher

Investigation on 4/12/2005 at Santa Cruz, California

File # 266A-SF-137767; 266A-MW-36601-85-2595 Date dictated N/A

by SA T. M. Ito

266A-SF-137767; 266A-MW-36601

Continuation of FD-302 of \_\_\_\_\_, On 4/12/2005, Page 5

Santa Cruz, California. A message was left with McCormack, advising her of the transaction.

The items of evidence seized from the residence were transported in the care and custody of FAM Abreu to the Oakland FBI office. The items seized at the Post Office and UPS store were transported to the Oakland FBI office in the care and custody of SA Ito. At the office, all items seized from the three locations were inventoried and secured. In addition to the sketch from 03/31/2005, a copy of the Evidence Recovery Log, a copy of the Photographic Log, and copies of all FD-597s are attached to this FD-302. All original logs and FD-597s will be retained in a 1A envelope.



- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/01/2005

On March 31, 2005, pursuant to a federal search warrant signed and authorized on March 31 2005 by U.S. Magistrate Judge Joseph C. Spero, for the Northern District of California in San Francisco, the following investigation was conducted at 703 3rd Street #7, Santa Cruz, California by Special Agents (SAs) of the Federal Bureau of Investigation and other federal law enforcement officers:

At approximately 3:55 p.m., SA Merriam obtained the keys to apartment #7 from Kristin McCormick, Santa Cruz Property Management. At approximately 4:15 p.m., SA Merriam notified property owner, Leslie Andrews of the execution of the search warrant. At approximately 4:30 p.m., SA Pascua knocked and announced the execution of a federal search warrant. SA Pascua used the keys provided by the management company to unlock the lower lock. Utilizing keys seized from YOUNG's person by San Jose Police Department on March 21, 2005, (see separate search warrant for the personal belongings of Young 3-05-70219), SA Pascua unlocked the upper lock on the door. A security sweep of the premises was conducted in order to secure premises. (X)

The following is a list of the FBI SAs and other federal law enforcement SAs who participated in the search and their designated assignments:

SA Suzanne G. Solomon, Team Leader, Finder, Evidence control log  
 SA Scott A. Merriam, Finder, Searcher  
 SA Holly Erickson, Finder, Searcher  
 SA Arvinder K. Ginda, Sketch, Searcher  
 SA Emmanuel V. Pascua, Searcher  
 SA Spiro J. Stamos, Searcher  
 SA T. M. Ito, Photographer  
 Naval Criminal Investigative Service SA Robert S. Colvin, photograph log  
 Coast Guard SA Scott E. Rutz, Searcher

Utilizing a Nikon camera, SA Ito took color photographs upon entry, during and at the conclusion of the above search. When appropriate, individual photographs were taken of specific evidence

Investigation on 4/1/2005 at Santa Cruz, CA

File # 266A-SF-137767; 266A-MW-36601-1103513 Date dictated n/a

by SA Suzanne G. Solomon *SGS*



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # \_\_\_\_\_

On (date) 3/31/05

item(s) listed below were:

- ☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) 703 3rd Street #7(City) SANTA CRUZ, CA

Description of Item(s): \_\_\_\_\_

- 1) BAG OF MAILING ENVELOPES
- 2) SBC BUS POST OFFICE RECEIPT
- 3) SCHOOL ID BRENDAN INMAN
- 4) CARDBOARD BOX [REDACTED]
- 5) LETTER TO [REDACTED]
- 6) EVASION FLYER
- 7) FLYERS UTAA PRIMATE TOUR
- 8) 3 SHAC USA VHS
- 9) 31 DVDS
- 10) 1 VHS "VIVA"
- 11) MAILING ENVELOPE "WHITE SAILOR"
- 12) SAMSUNG HARDDRIVE
- 13) METRO CARD
- 14) POST OFFICE RECEIPT DATED 12/15/04
- 15) PACKAGE ADDRESSED TO [REDACTED]
- 16) 14 KEYS
- 17) PRINTER CARTRIDGE
- 18) FEDEx RELAYS BORDER'S DRINK CARD
- 19) KINKO'S CARD

Received By: SSOWMAN  
(Signature)Received From: \_\_\_\_\_  
(Signature)

**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized**

File # \_\_\_\_\_

On (date) \_\_\_\_\_

3/31/05

item(s) listed below were:

☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

703 3rd Street #7

(City) \_\_\_\_\_

SANTA CRUZ, CA

Description of Item(s): \_\_\_\_\_

- 20) PHOTO - STICH'S ZINE ISSUE 7
- 21) piece OF envelope Addressed TO Simon ZIMBAZ
- 22) VHS TAPE "How TO CREATE A NEW IDENTITY"
- 23) HANDWRITTEN COPIES OF NOTES
- 24) COPIES OF HANDWRITTEN NOTES
- 25) CABRILLO COLLEGE CARD [REDACTED] CARD
- 26) 2 KINKO'S CARDS
- 27) CORRECTED COPY [REDACTED] BOOK
- 28) POSTAL RECEIPTS BORDER'S CARD
- 29) TISSUE PAPER WITH #
- 30) RECEIPTS STREETLIGHT
- 31) PHOTO
- 32) POSTAL RECEIPTS
- 33) 3 KEYS LOCK PICK DEVICE
- 34) ORIGINAL HANDWRITTEN NOTES
- 35) RECEIPTS PURCHASE ORDER
- 36) LABEL FROM BOX, ADDRESSED [REDACTED]
- 37) HANDWRITTEN NOTES EMAILS
- 38) EMAIL OF CARS

Received By: \_\_\_\_\_

S-SUW

(Signature)

Received From: \_\_\_\_\_

(Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # \_\_\_\_\_

On (date) \_\_\_\_\_

3/31/05

item(s) listed below were:

- ☐ Received From  
☐ Returned To  
☐ Released To  
☒ Seized

(Name) \_\_\_\_\_

(Street Address) \_\_\_\_\_

703 3rd STREET #7

(City) \_\_\_\_\_

SANTA CRUZ, CA

Description of Item(s): \_\_\_\_\_

39) PAPERS

40) STUCK GUY ENVELOPE, EVASION BOX

41) 3 KEYS

42) envelope addressed to [REDACTED]

43) ADDRESS BOOK RECEIPTS

44) NOTARY STAMP

45) COPIES OF HANDWRITTEN NOTES

46) ADDRESS LABEL TO [REDACTED]

47) 1 KEY

48) US RAILROAD MAP

49) POSTAL RECEIPTS BORDEN'S CARDS

50) LABEL ADDRESSED TO [REDACTED]

51) ASSORTED FLYERS / PAMPHLETS

~~NOTHING FURTHER~~Received By: S. Solomon  
(Signature)Received From: \_\_\_\_\_  
(Signature)

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
SAN JOSE FACILITY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

AMENDED TO ADD CT 5  
FELONY COMPLAINT

vs.

DA NO: 050308444

CEN

05015987 SZ HELD 3/24/2005

SIMON ZIMBAC (4/2/1976),  
aka PETER DANIEL YOUNG,  
UNKNOWN, ,

Defendant(s)

~~CC 586166~~  
CC 586166

The undersigned is informed and believes that:

COUNT 1

On or about March 21, 2005, in the County of Santa Clara, State of California, the crime of PETTY THEFT OF PERSONAL PROPERTY, in violation of PENAL CODE SECTION 484-488, a Misdemeanor, was committed by SIMON ZIMBAC who did unlawfully steal, take and carry away personal property, music CDs, of a value not exceeding four hundred dollars (\$400), the property of Starbucks Coffee Shop.

6 mo. \$1000.00

COUNT 2

On or about March 21, 2005, in the County of Santa Clara, State of California, the crime of FALSE NAME TO PEACE OFFICER, in violation of PENAL CODE SECTION 148.9, a Misdemeanor, was committed by SIMON ZIMBAC who did falsely represent and identify himself/herself as another person and as a fictitious person to a peace officer upon a lawful detention and arrest of the person, to evade the process of the court and to evade the proper identification of the person by the investigating officer.

6 Mo. 1000.00



## **ATTACHMENT B**

(Place to be Searched)

### **Personal Belongings of Peter Daniel Young**

1. All items found on the person of, or in the possession of, Peter Daniel Young, who is further described as a white male, date of birth of June 26, 1977, as having brown eyes and brown hair, and as being six feet (or 72 inches) tall and approximately 150 pounds. Young is currently in the custody of the Santa Clara County Department of Corrections.
2. On March 21, 2005, Young was arrested by Officers of the San Jose Police Department inside the Starbucks coffee shop located at 1338 The Alameda, San Jose, California 95126. Young was initially identified as Simon William Zimbal, given that he produced a false Virginia State Identification Card.
3. On March 24, 2005, Young's personal belongings were transferred from the custody of the San Jose Police Department to the custody of the San Francisco office of the Federal Bureau of Investigation. Young currently awaits transfer into federal custody and potential extradition to the Western District of Wisconsin.
4. The items to be seized are further specified in Attachment D.

## ATTACHMENT D

(Items to be Seized)

### Personal Belongings of Peter Daniel Young

1. The terms "records," "documents," and "materials" include all of the items described in this attachment in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.
2. All items, records, documents and materials listed below pertain to Peter Daniel Young for the time period from September 18, 1998 through the present, as might be related to Young's status as a federal fugitive which are evidence, fruits and instrumentalities of violations of Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a Person from Arrest), as follows:
  - a. One Hewlett Packard 3.2 mega-pixel digital camera, model number M307, serial number CN479145MK.
  - b. One gray and blue-colored, Motorola Nextel I95CL cellular telephone, model number H57UAN6RR7AN, serial number 919TCQ1088, SIM card number 890130/0800705043736F. The telephone number for this phone is unknown.
  - c. One X-symbol key ring containing seven keys.
  - d. Fifteen U.S. Postal Service Delivery Confirmation Receipts, dated between January 13, 2005 and February 8, 2005. Eleven were stamped from the East Santa Cruz Post Office, zip code 95062, and four were stamped from the Santa Cruz Post Office, zip code 95060.
  - e. One address/telephone book, marked on the outside with "EMBRACE 10D" and an "EARTH CRISIS FOREVER TRUE" sticker, dated 2001.
  - f. One store receipt for Streetlight Records, dated January 26, 2005 at 7:30 pm, located at an address of 939 Pacific Avenue, Santa Cruz, California 95060, telephone number (831) 421-9200.
  - g. One FedEx-Kinko's Office and Print Center Stored Value Card, number VC42637ORO6, or possibly VC426370R06. The card has a small, white piece of paper taped to the front with "3.16" written on the paper.

h.



- i. One Virginia Identification card number T63-44-1501, issued in the name of Simon William Zimbal, date of birth April 2, 1976, height 6'0", address 1020 William Street # 512, Fredericksburg, Virginia 22401-5462. The card was issued on March 1, 2003 and was due to expire on March 1, 2008.

- j. Computers and Electronic Storage Devices, relating to any and all electronic items listed above, including:

- i. Computer Hardware: Computer hardware consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. This includes any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, transistor-like binary devices, compact flash cards, smart media cards and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).
- ii. Computer Software: Computer software is digital information which can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).
- iii. Computer-related Documentation: Computer related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.
- iv. Computer Passwords and Other Data Security Devices: Computer passwords

and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

- v. All computer hardware, software and other data security devices will be returned within thirty (30) days. Original records and documents seized pursuant to this attachment will be copied, and those copies will also be returned within thirty (30) days.



## ATTACHMENT H

### Place to be Searched:

703 3rd Street, #7  
Santa Cruz, California

1. The apartment located at 703 3rd Street, Apartment # 7, Santa Cruz, California 95060, which is further identified as a single apartment unit within a privately owned apartment building. On the north side of the building, metal letters depicting, "Beach Hill Apts." are affixed to the side of the building above the numerals and letters, "703 3rd St." which are attached to a wooden plank that is also affixed to the side of the building.
2. The apartment building is further described as a three-story, pink-colored building, which contains twelve apartment units. This building is bounded by 3rd Street on the north, Leibrant Avenue on the east and an alley on the south. Each individual apartment is enumerated with a dark-colored apartment number affixed to the mostly green-colored doors. Apartment # 7 is specifically located on the second floor of the building in the northeast corner. A light-colored banister runs the length of the building along the east side of the second floor.

### Items to be Seized:

3. The terms "records," "documents," and "materials" include all of the items described in this attachment in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.
4. All items, records, documents and materials listed below pertaining to Peter Daniel Young, also known as Simon William [REDACTED] (last name unknown) and other unknown aliases used by Young, and his communication and/or association with other individuals but not limited to, the following: [REDACTED], and other unidentified persons who supported, assisted, or might be related to Young's status as a federal fugitive for the time period from September 18, 1998 through the present, which are evidence, fruits and instrumentalities of violations of Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a Person from Arrest), as follows:
  - a. Any and all documents, photographs, digital and/or undeveloped film, papers, travel documents/papers, written materials, telephone voice recordings and/or caller identification ("ID") data; books, diagrams, schematic drawings, video/audio tapes, computer generated or stored information or other materials which relate to Young's physical location, travels, friends and associates, and communication with other

individuals.

- b. Any and all documents or computer generated and/or stored information including business records, unemployment/employment records, opened and/or unopened mail, appointment books, diaries, journals, calendars, telephone toll records or bills, receipts, bank statements, credit card, bank and other financial institution records; cancelled checks; travel itineraries or other materials which relate to Young's life as a fugitive and his contacts with other persons.
- c. Any and all documents, materials and correspondence relating to Young's affiliation, association or communication with any and all animal rights or other activist related organizations or entities which would indicate their knowledge of Young's status as a fugitive.
- d. Any and all receipts, invoices, or other documents relating to the rental of or access to or control over any vehicles, residences, garages, storage sheds, keys, access cards, lockers or facilities, and other locations within which Young and others are able to keep and/or store personal property or items as referenced in paragraphs a, b and c above.
- e. Any and all identification and/or identity related documents, records, materials, including but not limited to driver's licenses, Social Security Card information, passports, identification cards, false identity instructions/techniques, and any other information that contains specific identifying information, such as library cards and/or library records, that may have been used to conceal his identity and maintain his fugitive status.
- f. Clothing which could potentially be used in part to conceal one's identity or mislead others into believing the wearer may be employed in a position which grants access to a business, facility, or undergo less scrutiny than general members of the public such as company uniforms, security guard uniforms, retail sales uniforms, or clothing manufactured for the use of businesses to identify their employees to members of the public, for example: Pizza Hut uniforms, Starbucks uniforms, Jamba Juice uniforms, and security guard uniforms.
- g. Items that may possess DNA and/or blood or bodily fluids, including but not limited to: razors, Q-Tips, tooth brushes, hair brushes, hair, tissues, clothing, feminine hygiene products, bandages, and other toiletries.
- h. Any and all items of evidence which may contain physical, trace, and latent evidence, or indicate assistance and/or support to Young's livelihood while in a fugitive status, including but not limited to: Compact Disks ("CD's"), Digital Video Disks ("DVD's"), books, magazines, T-Shirts bearing the , products in original

packaging, coffee grinders, coffee makers, and, air filters.

- i. Unopened correspondence such as, media mailer packages, correspondence addressed to, or with a return address of 703 3rd Street #7, Santa Cruz, CA, and/or 245-M Mount Herman Road, PMB #124, Scotts Valley, CA 95066, and/or bearing the names Peter Daniel Young, Simon Zimbal, Simon William Zimbal, [REDACTED]  
[REDACTED]

- j. Computers and Electronic Storage Devices, including:

- i. Computer Hardware: Computer hardware consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. This includes any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, transistor-like binary devices, compact flash cards, smart media cards and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).

- ii. Computer Software: Computer software is digital information which can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).

- iii. Computer-related Documentation: Computer related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.

- iv. Computer Passwords and Other Data Security Devices: Computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric

characters) usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

v. All computer hardware, software and other data security devices will be seized, imaged, and returned within thirty (30) days. Original records and documents seized pursuant to this attachment will be copied, and those copies will also be returned within thirty (30) days.



**UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized**

File # 266A-MW-36601On (date) March 24, 2005

item(s) listed below were:

- ☒ Received From  
☐ Returned To  
☐ Released To  
☐ Seized

(Name) SGT. PAUL SPAGNOLT #2924(Street Address) 201 W MISSION(City) SAN JOSE CA 95110

Description of Item(s): <sup>3.2mm Model: HP</sup> ① Digital Camera (x1), Serial #CN479145MK, ② Books: Title: EVASION, SMASH AND GRAB, AGE OF PROPAGANDA, ③ Black color, medium size Banna Republic Coat (x1), ④ Hole Puncher (x1), ⑤ BORDERS coffee cards (x4), ⑥ Cell Phone; gray & blue Nextell Phone Serial #919TCQ1088, ⑦ Key ring with seven key and letter "X", ⑧ Green Canvas <sup>Belt</sup> with "S" buckle with handcuff key taped to belt, ⑨ One Buck Knife, black color (x1), ⑩ Fifteen postal receipts (x15), ⑪ Evasion Paper - How to hide a handcuff key (x1), ⑫ Phone Address book (x1), ⑬ one street light records receipt (x1), ⑭ Radio Shack receipt (x1), ⑮ Letter "K" (x1), ⑯ America <sup>\$50.00</sup> West Gift Card (x1), ⑰ Sprint Phone, 250 minutes (x1), ⑱ Fed Ex - Kinikos card (x1), ⑲ One black colored Jansport backpack (x1), ⑳ one Visa Credit Card issued [REDACTED], ㉑ 3988 0807, ㉒ VIRGINIA ID issued to: ZIMBAL, SIMON WILLIAM #T63-44-1501, ㉓ Cash and Coin total value: \$38.22, ㉔ Four DV Tapes (x4), ㉕ Ten Audio Cassettes (x10), ㉖ ONE Red Cap: "OZARKS" (x1), ㉗ 8-AA Batteries <sup>(x8)</sup>, ㉘ SONY Headphones, Model #MDR-V700 (x1), ㉙ ONE CD - Thread BARE (x1), ㉚ ONE "VTA" MAP (x1), ㉛ ONE EMPTY envelope "Mail Recovery Center" <sup>(x1)</sup>, ㉜ ONE SONY WALKMAN (x1), ㉝ ONE SMALL LED light (x1), ㉞ ONE black Dell computer power cord Model #ADP-60BB <sup>(x1)</sup>, ㉟ ONE Black ear phones (x1), ㊱ ONE THERMOS CUP - LID (x1), ㊲ ONE Blue Canvas wallet, ㊳ One pair Vans shoes (x1), ㊴ ONE PAIR WHITE SOCKS (x1), ㊵ Three Pens (x3) / No more to follow

Received By:

[Signature]  
(Signature)

Received From:

SGT. PAUL SPAGNOLT #2924  
(Signature)

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
Receipt for Property Received/Returned/Released/Seized

File # 266A-MW-36601

On (date) March 24, 2005

item(s) listed below were:

- ☒ Received From  
☐ Returned To  
☐ Released To  
☐ Seized

(Name) SGT. PAUL SPAGNOLT #2924

(Street Address) 201 W MISSION

(City) SAN JOSE CA 95110

Description of Item(s): <sup>3.2M Model: HP</sup> ① Digital Camera (x1), Serial #CN479145MK, ② Books: Title  
EVA SION, SMASH AND GRAB, AGE OF PROPAGANDA, ③ Black color, medium size  
Banna Republic Coat (x1), ④ Hole Puncher (x1), ⑤ BORDERS coffee cards (x  
⑥ Cell Phone; gray & blue Nextel/Kell Phone Serial #919TCQ1088, ⑦ Key ring with  
seven key and letter "X", ⑧ Green Canvas <sup>Belt</sup> with "S" buckle with handcuff key  
taped to belt, ⑨ One Buck Knife, black color (x1), ⑩ Fifteen postal receipts (x15  
⑪ Evasion Paper - How to hide a handcuff key (x1) ⑫ Phone Address book (x1),  
⑬ one street light records receipt (x1), ⑭ Radio Shack receipt (x1), ⑮ Letter  
"K" (x1), ⑯ America <sup>\$50.00</sup> West Gift Card (x1), ⑰ Sprint Phone, 250 minutes (x1)  
⑱ Fed Ex- Kinkos card (x1), ⑲ One black colored Jansport backpack (x

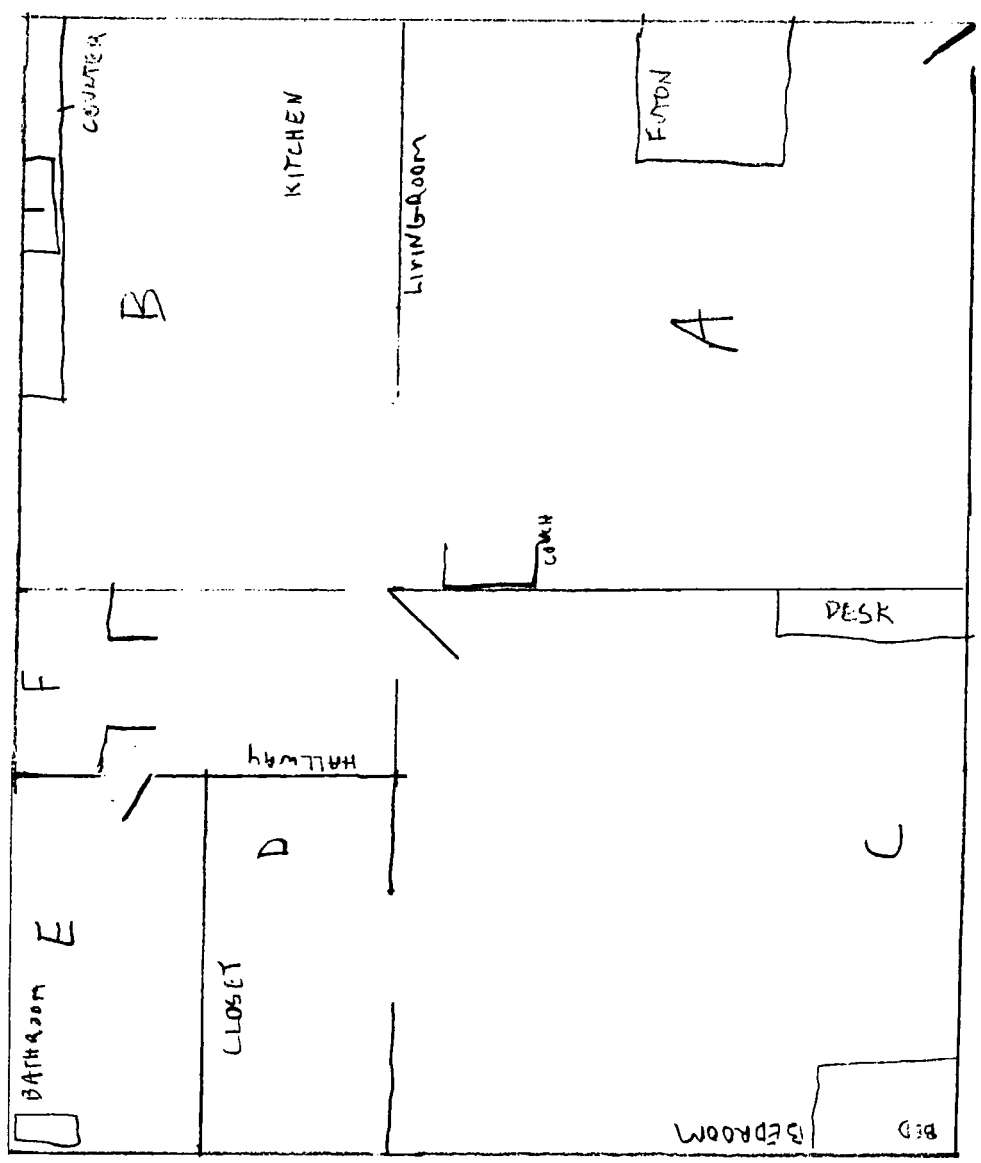
3988 '0807, ⑳ VIRGINIA ID issued to: ZIMBAL, SIMON WILLIAM  
#T63-44-1501, ㉑ Cash and Coin total value: \$38.22, ㉒ Four DV Tapes (x4),  
㉓ Ten Audio Cassettes (x10) ㉔ ONE Red Cap: OZARKS (x1) ㉕ 8-AA Batteries <sup>(x8)</sup>, ㉖ SON  
Headphones, Model #MDR-V700 (x1) ㉗ ONE CD - Thread BARE (x1), ㉘ ONE "VTA" MAP (x1),  
㉙ ONE EMPTY envelope "Mail Recovery Center" <sup>(x1)</sup> ㉚ ONE SONY WALKMAN (x1), ㉛ ONE SMALL  
LED light (x1), ㉜ ONE black Dell computer power cord Model #ADP-60BB <sup>(x1)</sup>, ㉝ ONE Black  
ear phones (x1), ㉞ ONE Thermos cup - LED (x1), ㉟ ONE Blue Canvas wallet, ㊱ One pair  
Vans shoes (x1), ㊲ ONE PAIR WHITE SOCKS (x1), ㊳ Three Pens (x3) / No more

Received By: [Signature]  
(Signature)

Received From: SGT. [Signature] #2924  
(Signature)

TOTAL P.02

CASE#: 266A-SF-137707  
LOCATION: 703 3<sup>rd</sup> ST. #7 SANTA CRUZ, CA  
BY: SA ARVINDER GINDA  
DATE: 03/31/05



NOT TO SCALE.

On 03/31/2005, Special Agent Scott A. Merriam conducted the following investigation at:

SANTA CRUZ, CALIFORNIA

A team of nine Agents/Officers executed a federal search warrant (under seal) at the location, and for the items, listed below. The back of the Affidavit was signed by all Agents/Officers participating in the search, signifying that each individual had read the Search Warrant, the Affidavit, and all supporting documents prior to beginning the search:

Place to be Searched -

Personal Belongings of Peter Daniel Young:

1. All items found on the person of, or in the possession of, Peter Daniel Young, who is further described as a white male, date of birth of June 26, 1977, as having brown eyes and brown hair, and as being six feet (or 72 inches) tall and approximately 150 pounds. Young is currently in the custody of the Santa Clara County Department of Corrections.

2. On March 21, 2005, Young was arrested by Officers of the San Jose Police Department inside the Starbucks coffee shop located at 1338 The Alameda, San Jose, California 95126. Young was initially identified as Simon William Zimbal, given that he produced a false Virginia State Identification Card.

3. On March 24, 2005, Young's personal belongings were transferred from the custody of the San Jose Police Department to the custody of the San Francisco office of the Federal Bureau of Investigation. Young currently awaits transfer into federal custody and potential extradition to the Western District of Wisconsin.

4. The items to be seized are further specified below.

Items to be Seized:

a. One Hewlett Packard 3.2 mega-pixel digital camera, model number M307, serial number CN479145MK.

b. One gray and blue-colored, Motorola Nextel I95CL cellular telephone, model number H57UAN6RR7AN, serial number 919TCQ1088, SIM card number 890130/ 0800705043736F. The telephone number for this phone is unknown.

c. One X-symbol key ring containing seven keys.



d. Fifteen U.S. Postal Service Delivery Confirmation Receipts, dated between January 13, 2005 and February 8, 2005. Eleven were stamped from the East Santa Cruz Post Office, zip code 95062, and four were stamped from the Santa Cruz Post Office, zip code 95060.

e. One address/telephone book, marked on the outside with "EMBRACE 10D" and an "EARTH CRISIS FOREVER TRUE" sticker, dated 2001.

f. One store receipt for Streetlight Records, dated January 26, 2005 at 7:30 pm, located at an address of 939 Pacific Avenue, Santa Cruz, California 95060, telephone number (831) 421-9200.

g. One FedEx-Kinko's Office and Print Center Stored Value Card, number VC42637ORO6, or possibly VC42637OR06. The card has a small, white piece of paper taped to the front with "3.16" written on the paper.

h. One unsigned [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

i. One Virginia Identification card number T63-44-1501, issued in the name of Simon William Zimbal, date of birth April 2, 1976, height 6'0", address 1020 William Street # 512, Fredericksburg, Virginia 22401-5462. The card was issued on March 1, 2003 and was due to expire on March 1, 2008.

j. Computers and Electronic Storage Devices, relating to any and all electronic items listed above.

Copies of the Sealing Order; the Search Warrant and Attachments B and D; and the Application and Affidavit for Search Warrant, along with Exhibits A and B, are attached to and considered part of this investigative report.

ORIGINAL  
FILED

MAR 31 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

2 EUMI L. CHOI (WVBN 0722)  
3 Chief, Criminal Division

4 ELISE BECKER (NYSBN 2540730)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102  
7 Telephone: (415) 436-6878  
Facsimile: (415) 436-7234

8 Attorneys for Plaintiff

SEALED  
BY COURT ORDER

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

JCS

13 )  
14 ) IN RE SEARCHES OF  
15 ) PERSONAL BELONGINGS OF  
16 ) PETER DANIEL YOUNG AND  
17 ) 703 3<sup>RD</sup> STREET, APARTMENT # 7,  
18 ) SANTA CRUZ, CA 95060.  
19 )  
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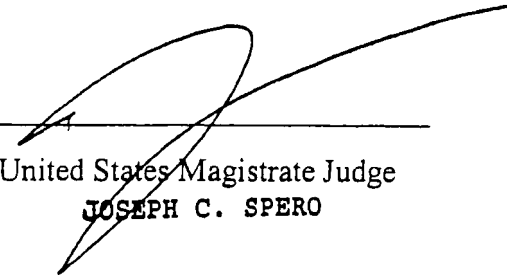
No. 3 05 70219

ORDER

[UNDER SEAL]

19 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Search Warrants,  
20 Applications and Affidavits in Support of the Search Warrants, as well as the Sealing Order itself  
21 are to be sealed by the Clerk of the Court until further order of this Court.  
22

23  
24  
25 Dated: 3/30/05

  
United States Magistrate Judge  
JOSEPH C. SPERO

26  
27  
28 SEALING ORDER

# United States District Court

NORTHERN

DISTRICT OF CALIFORNIA

SEALED  
BY COURT ORDER

In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

Items recovered from Peter Daniel Young on March 21, 2005, by the San Jose Police Department, now in the custody of the Federal Bureau of Investigation, San Francisco Field Office.

## SEARCH WARRANT

CASE NUMBER:

3 05 70219

TO: FBI SA Scott Merriam and any Authorized Officer of the United States

JCS

Affidavit(s) having been made before me by SA Merriam who has reason to believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

Items recovered from Peter Daniel Young on March 21, 2005, by the San Jose Police Department, now in the custody of the Federal Bureau of Investigation, San Francisco Field Office, further described in Attachment B.

in the Northern District of California there is now concealed a certain person or property, namely (describe the person or property)  
See Attachment D

which constitutes evidence, fruits and instrumentalities

(state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

of a criminal violation(s) of Title 18, United States Code, Section(s) 3, 371 and 1071

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 4/10/05

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to M.J. Spero as required by law.

U.S. Judge or Magistrate Judge

3/31/05 1:30 pm  
Date and Time Issued

at

SF, CA  
City and State

JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Signature of Judicial Officer

**ATTACHMENT A**

(Place to be Searched)

703 3<sup>rd</sup> Street  
Apartment # 7  
Santa Cruz, CA 95060

1. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060, which is further identified as a single apartment unit within a privately owned apartment building. On the north side of the building, metal letters depicting, "Beach Hill Apts." are affixed to the side of the building above the numerals and letters, "703 3<sup>rd</sup> St." which are attached to a wooden plank that is also affixed to the side of the building.
2. The apartment building is further described as a three-story, pink-colored building, which contains twelve apartment units. This building is bounded by 3<sup>rd</sup> Street on the north, Leibrant Avenue on the east and an alley on the south. Each individual apartment is enumerated with a dark colored apartment number affixed to the mostly green-colored doors. Apartment # 7 is specifically located on the second floor of the building in the northeast corner. A light colored banister runs the length of the building along the east side of the second floor.
3. The items to be seized are further specified in Attachment C.



## ATTACHMENT C

(Items to be Seized)

703 3<sup>rd</sup> Street  
Apartment # 7  
Santa Cruz, CA 95060

1. The terms "records," "documents," and "materials" include all of the items described in this attachment in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.
2. All items, records, documents and materials listed below pertain to Peter Daniel Young for the time period from September 18, 1998 through the present, as might be related to Young's status as a federal fugitive which are evidence, fruits and instrumentalities of violations of Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a Person from Arrest), as follows:
  - a. Any and all documents, photographs, digital and/or undeveloped film, papers, travel documents/papers, written materials, telephone voice recordings and/or caller identification ("ID") data; books, diagrams, schematic drawings, video/audio tapes, computer generated or stored information or other materials which relate to Young's physical location, travels, friends and associates, and communication with other individuals.
  - b. Any and all documents or computer generated and/or stored information including business records, unemployment/employment records, opened and/or unopened mail, appointment books, diaries, journals, calendars, telephone toll records or bills, receipts, bank statements, credit card, bank and other financial institution records; cancelled checks; travel itineraries or other materials which relate to Young's life as a fugitive and his contacts with other persons.
  - c. Any and all documents, materials and correspondence relating to Young's affiliation, association or communication with any and all animal rights or other activist related organizations or entities which would indicate their knowledge of Young's status as a fugitive.
  - d. Any and all receipts, invoices, or other documents relating to the rental of or access to or control over any vehicles, residences, garages, storage sheds, keys, access cards, lockers or facilities, and other locations within which Young is able to keep and/or store personal property or items as referenced in paragraphs a, b, and c above.

- c. Any and all identification and/or identity related documents, records, materials, including but not limited to driver's licenses, Social Security Card information, passports, identification cards, false identity instructions/techniques, and any other information that contains specific identifying information, such as library cards and/or library records, that may have been used to conceal his identity and maintain his fugitive status.
- f. Computers and Electronic Storage Devices, including:
  - i. Computer Hardware: Computer hardware consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. This includes any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, transistor-like binary devices, compact flash cards, smart media cards and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).
  - ii. Computer Software: Computer software is digital information which can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).
  - iii. Computer-related Documentation: Computer related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.
  - iv. Computer Passwords and Other Data Security Devices: Computer passwords and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a

string of alpha-numeric characters) usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

- v. All computer hardware, software and other data security devices will be returned within thirty (30) days. Original records and documents seized pursuant to this attachment will be copied, and those copies will also be returned within thirty (30) days.

# United States District Court

NORTHERN

DISTRICT OF CALIFORNIA

## In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

Items recovered from Peter Daniel Young on March 21, 2005, by the San Jose Police Department, now in the custody of the Federal Bureau of Investigation, San Francisco Field Office.

## SEARCH WARRANT

CASE NUMBER:

3 05 70219

TO: FBI SA Scott Merriam and any Authorized Officer of the United States

JCS

Affidavit(s) having been made before me by SA Merriam who has reason to believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

Items recovered from Peter Daniel Young on March 21, 2005, by the San Jose Police Department, now in the custody of the Federal Bureau of Investigation, San Francisco Field Office, further described in Attachment B.

in the Northern District of California there is now concealed a certain person or property, namely (describe the person or property)  
See Attachment D

which constitutes evidence, fruits and instrumentalities

(state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

of a criminal violation(s) of Title 18, United States Code, Section(s) 3, 371 and 1071

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 4/10/05 (not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime -- 6:00 A.M. to 10:00 P.M.) (at any time in the day or night as I find reasonable cause, has been established) and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to M.J. Spero as required by law.

U.S. Judge or Magistrate Judge

3/31/05 1:30 pm  
Date and Time Issued

at

SF, CA  
City and State

JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Signature of Judicial Officer



## **ATTACHMENT B**

(Place to be Searched)

### **Personal Belongings of Peter Daniel Young**

1. All items found on the person of, or in the possession of, Peter Daniel Young, who is further described as a white male, date of birth of June 26, 1977, as having brown eyes and brown hair, and as being six feet (or 72 inches) tall and approximately 150 pounds. Young is currently in the custody of the Santa Clara County Department of Corrections.
2. On March 21, 2005, Young was arrested by Officers of the San Jose Police Department inside the Starbucks coffee shop located at 1338 The Alameda, San Jose, California 95126. Young was initially identified as Simon William Zimbal, given that he produced a false Virginia State Identification Card.
3. On March 24, 2005, Young's personal belongings were transferred from the custody of the San Jose Police Department to the custody of the San Francisco office of the Federal Bureau of Investigation. Young currently awaits transfer into federal custody and potential extradition to the Western District of Wisconsin.
4. The items to be seized are further specified in Attachment D.

## ATTACHMENT D

(Items to be Seized)

### **Personal Belongings of Peter Daniel Young**

1. The terms "records," "documents," and "materials" include all of the items described in this attachment in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.
2. All items, records, documents and materials listed below pertain to Peter Daniel Young for the time period from September 18, 1998 through the present, as might be related to Young's status as a federal fugitive which are evidence, fruits and instrumentalities of violations of Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a Person from Arrest), as follows:
  - a. One Hewlett Packard 3.2 mega-pixel digital camera, model number M307, serial number CN479145MK.
  - b. One gray and blue-colored, Motorola Nextel I95CL cellular telephone, model number H57UAN6RR7AN, serial number 919TCQ1088, SIM card number 890130/0800705043736F. The telephone number for this phone is unknown.
  - c. One X-symbol key ring containing seven keys.
  - d. Fifteen U.S. Postal Service Delivery Confirmation Receipts, dated between January 13, 2005 and February 8, 2005. Eleven were stamped from the East Santa Cruz Post Office, zip code 95062, and four were stamped from the Santa Cruz Post Office, zip code 95060.
  - e. One address/telephone book, marked on the outside with "EMBRACE 10D" and an "EARTH CRISIS FOREVER TRUE" sticker, dated 2001.
  - f. One store receipt for Streetlight Records, dated January 26, 2005 at 7:30 pm, located at an address of 939 Pacific Avenue, Santa Cruz, California 95060, telephone number (831) 421-9200.
  - g. One FedEx-Kinko's Office and Print Center Stored Value Card, number VC42637ORO6, or possibly VC426370R06. The card has a small, white piece of paper taped to the front with "3.16" written on the paper.

h.

- i. One Virginia Identification card number T63-44-1501, issued in the name of Simon William Zimbal, date of birth April 2, 1976, height 6'0", address 1020 William Street # 512, Fredericksburg, Virginia 22401-5462. The card was issued on March 1, 2003 and was due to expire on March 1, 2008.
- j. Computers and Electronic Storage Devices, relating to any and all electronic items listed above, including:
  - i. Computer Hardware: Computer hardware consists of all equipment which can collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, optical, or similar computer impulses or data. This includes any data-processing devices (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, transistor-like binary devices, compact flash cards, smart media cards and other memory storage devices); peripheral input/output devices (such as keyboards, printers, scanners, plotters, video display monitors, and optical readers); related communications devices (such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices, and electronic tone-generating devices); as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (such as physical keys and locks).
  - ii. Computer Software: Computer software is digital information which can be interpreted by a computer and any of its related components to direct the way it works. Software is stored in electronic, magnetic, optical, or other digital form. It commonly includes programs to run operating systems, applications (like word-processing, graphics, or spreadsheet programs, utilities, compilers, interpreters, and communications programs).
  - iii. Computer-related Documentation: Computer related documentation consists of written, recorded, printed, or electronically stored material which explains or illustrates how to configure or use computer hardware, software, or other related items.
  - iv. Computer Passwords and Other Data Security Devices: Computer passwords

and other data security devices are designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password (a string of alpha-numeric characters) usually operates as a sort of digital key to "unlock" particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data security software or digital code may include programming code that creates "test" keys or "hot" keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or "booby trap" protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

- v. All computer hardware, software and other data security devices will be returned within thirty (30) days. Original records and documents seized pursuant to this attachment will be copied, and those copies will also be returned within thirty (30) days.



**Affidavit in Support of Application for  
Search Warrant**

1. I, Scott A. Merriam, being duly sworn, do hereby depose and state the following:
2. I am a Special Agent with the United States ("U.S.") Department of Justice, Federal Bureau of Investigation ("FBI"), assigned to the Oakland Resident Agency within the San Francisco Field Office. I have been employed as a Special Agent with the FBI since July 1997, and I am currently assigned to the FBI's Joint Terrorism Task Force ("JTTF"). My duties are to investigate violations of federal law, including criminal activity by animal rights activists and/or groups.
3. This affidavit contains information necessary to support probable cause for this application. It is not intended to include every fact or matter observed by me or known by the Government. I am one of the Special Agents investigating the matters referenced in this Affidavit. The information provided is based on my personal knowledge and observations during the course of this investigation; information conveyed to me by other law enforcement and Government officials; and my review of records, documents, interview reports, and other physical evidence obtained during this investigation. Except where specifically indicated, I have personally reviewed all of the evidence, records, interview reports, and other related materials referred to in this Affidavit.
4. In conjunction with an ongoing investigation, this Affidavit is submitted in support of an Application for a Search Warrant to seize and search the following locations and/or items:
  - a. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060. The place to be searched is further described in Attachment A, which is attached hereto and incorporated herein by reference.
  - b. Certain items found on the person of, or in the possession of, Peter Daniel Young ("Young"), a white male, date of birth June 26, 1977, at the time of his arrest by officers of the San Jose Police Department ("SJPd") on March 21, 2005 inside the Starbucks coffee shop located at 1338 The Alameda, San Jose, California 95126 ("Starbucks at The Alameda"). The items to be searched are further described in Attachment B, which is attached hereto and incorporated herein by reference.
5. Based on evidence obtained during the course of this investigation, as set forth in the details below, I have probable cause to believe that, beginning at some unknown date on or after September 18, 1998 until on or about the present, an unknown number of Young's friends and/or associates have been engaging in criminal activity in violation of federal law. I have further probable cause to believe that evidence, fruits and instrumentalities of such violations of federal law, including but not limited to, Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a

AO 93 (Rev. 8/95) Search Warrant

## United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

SEALED  
COURT ORDER

## In the Matter of the Search of

(Name, address or brief description of person or property to be searched)

703 3rd Street  
Apartment # 7  
Santa Cruz, CA 95060

## SEARCH WARRANT

CASE NUMBER:

3 05 70220 JCS

TO: FBI SA Scott Merriam and any Authorized Officer of the United StatesAffidavit(s) having been made before me by SA Merriam who has reason to  
believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

703 3rd Street, Apartment # 7, Santa Cruz, CA 95060, further described in Attachment A

in the Northern District of California there is now  
concealed a certain person or property, namely (describe the person or property)  
See attachment C

which constitutes evidence, fruits and instrumentalities

(state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

of a criminal violation(s) of Title 18, United States Code, Section(s) 3, 371 and 10/1

I am satisfied that the affidavit(s) and any record testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 4/10/05  
(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search (in the daytime 6:00 A.M. to 10:00 P.M.) ~~(at any time in the day or night as I find reasonable cause has been established)~~ and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to M. J. Speck as required by law.

U.S. Judge or Magistrate Judge

Date and Time Issued 3/31/05 1:30 pm atCity and State SF CAJOSEPH C. SPECK  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

Signature of Judicial Officer

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**ATTACHMENT A**

(Place to be Searched)

**703 3<sup>rd</sup> Street  
Apartment # 7  
Santa Cruz, CA 95060**

1. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060, which is further identified as a single apartment unit within a privately owned apartment building. On the north side of the building, metal letters depicting, "Beach Hill Apts." are affixed to the side of the building above the numerals and letters, "703 3<sup>rd</sup> St." which are attached to a wooden plank that is also affixed to the side of the building.
2. The apartment building is further described as a three-story, pink-colored building, which contains twelve apartment units. This building is bounded by 3<sup>rd</sup> Street on the north, Leibrant Avenue on the east and an alley on the south. Each individual apartment is enumerated with a dark-colored apartment number affixed to the mostly green-colored doors. Apartment # 7 is specifically located on the second floor of the building in the northeast corner. A light-colored banister runs the length of the building along the east side of the second floor.
3. The items to be seized are further specified in Attachment C.

**ATTACHMENT A**

(Place to be Searched)

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Apartment # 7  
Santa Cruz, CA 95060**

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3. The items to be seized are further specified in Attachment C.



## ATTACHMENT C

(Items to be Seized)

703 3<sup>rd</sup> Street  
Apartment # 7  
Santa Cruz, CA 95060

1. The terms "records," "documents," and "materials" include all of the items described in this attachment in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.
2. All items, records, documents and materials listed below pertain to Peter Daniel Young for the time period from September 18, 1998 through the present, as might be related to Young's status as a federal fugitive which are evidence, fruits and instrumentalities of violations of Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a Person from Arrest), as follows:
  - a. Any and all documents, photographs, digital and/or undeveloped film, papers, travel documents/papers, written materials, telephone voice recordings and/or caller identification ("ID") data; books, diagrams, schematic drawings, video/audio tapes, computer generated or stored information or other materials which relate to Young's physical location, travels, friends and associates, and communication with other individuals.
  - b. Any and all documents or computer generated and/or stored information including business records, unemployment/employment records, opened and/or unopened mail, appointment books, diaries, journals, calendars, telephone toll records or bills, receipts, bank statements, credit card, bank and other financial institution records; cancelled checks; travel itineraries or other materials which relate to Young's life as a fugitive and his contacts with other persons.
  - c. Any and all documents, materials and correspondence relating to Young's affiliation, association or communication with any and all animal rights or other activist related organizations or entities which would indicate their knowledge of Young's status as a fugitive.
  - d. Any and all receipts, invoices, or other documents relating to the rental of or access to or control over any vehicles, residences, garages, storage sheds, keys, access cards, lockers or facilities, and other locations within which Young is able to keep and/or store personal property or items as referenced in paragraphs a, b, and c above.

SEALED BY ORDER OF COURT

AO 106 (Rev. 7/87) Affidavit for Search Warrant

## United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

703 3rd Street  
Apartment # 7  
Santa Cruz, CA 95060APPLICATION AND AFFIDAVIT  
FOR SEARCH WARRANT

CASE NUMBER: 3-05-70220 JCS

I, Scott Merriam, being duly sworn depose and say:I am a(n) Special Agent with the Federal Bureau of Investigation and have reason to believe  
Official Titlethat I on the person of or ☒ on the property or premises known as (name, description and/or location)  
703 3rd Street, Apartment # 7, Santa Cruz, CA 95060, further described in Attachment Ain the Northern District of California  
there is now concealed a certain person or property, namely (describe the person or property to be seized)  
See Attachment Cwhich constitutes evidence, fruits and instrumentalities

(state one or more bases for search and seizure set forth under Rule 41(a) of the Federal Rules of Criminal Procedure)

of a criminal violation(s) of Title 18, United States Code, Section(s) 3, 371 and 1071

The facts to support a finding of Probable Cause are as follows:

See attached affidavit of FBI SA Scott Merriam

Continued on the attached sheet and made a part hereof.

☒ Yes ☐ NoApproved  
As To  
Form:AUSA: Elise Becker

Sworn to before me, and subscribed in my presence

Date

3/31/05  
JOSEPH C. SPERO  
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

This form was electronically produced by Elise Federal Forms, Inc.

Signature of Affiant

City and State

Signature of Judicial Officer

**Affidavit in Support of Application for  
Search Warrant**

1. I, Scott A. Merriam, being duly sworn, do hereby depose and state the following:
2. I am a Special Agent with the United States ("U.S.") Department of Justice, Federal Bureau of Investigation ("FBI"), assigned to the Oakland Resident Agency within the San Francisco Field Office. I have been employed as a Special Agent with the FBI since July 1997, and I am currently assigned to the FBI's Joint Terrorism Task Force ("JTTF"). My duties are to investigate violations of federal law, including criminal activity by animal rights activists and/or groups.
3. This affidavit contains information necessary to support probable cause for this application. It is not intended to include every fact or matter observed by me or known by the Government. I am one of the Special Agents investigating the matters referenced in this Affidavit. The information provided is based on my personal knowledge and observations during the course of this investigation; information conveyed to me by other law enforcement and Government officials; and my review of records, documents, interview reports, and other physical evidence obtained during this investigation. Except where specifically indicated, I have personally reviewed all of the evidence, records, interview reports, and other related materials referred to in this Affidavit.
4. In conjunction with an ongoing investigation, this Affidavit is submitted in support of an Application for a Search Warrant to seize and search the following locations and/or items:
  - a. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060. The place to be searched is further described in Attachment A, which is attached hereto and incorporated herein by reference.
  - b. Certain items found on the person of, or in the possession of, Peter Daniel Young ("Young"), a white male, date of birth June 26, 1977, at the time of his arrest by officers of the San Jose Police Department ("SJPD") on March 21, 2005 inside the Starbucks coffee shop located at 1338 The Alameda, San Jose, California 95126 ("Starbucks at The Alameda"). The items to be searched are further described in Attachment B, which is attached hereto and incorporated herein by reference.
5. Based on evidence obtained during the course of this investigation, as set forth in the details below, I have probable cause to believe that, beginning at some unknown date on or after September 18, 1998 until on or about the present, an unknown number of Young's friends and/or associates have been engaging in criminal activity in violation of federal law. I have further probable cause to believe that evidence, fruits and instrumentalities of such violations of federal law, including but not limited to, Title 18 U.S.C. § 3 (Accessory After the Fact), Title 18 U.S.C. § 371 (Conspiracy to Conceal a Person from Arrest), and Title 18 U.S.C. § 1071 (Concealing a

Person from Arrest), will be found in the items to be seized which are more particularly described in Attachments C and D, which are attached hereto and incorporated herein by reference.

#### Background

6. On March 21, 2005, a man initially identified as Simon William Zimbal ("Zimbal"), a white male, date of birth April 2, 1976, was detained by SJPD Officers for attempting to shoplift eight of the same compact disks, titled "Ray Genius," from Starbucks at The Alameda. When asked for proof of his identification, the man verbally identified himself as Zimbal after providing a Virginia Identification card in the name of Zimbal. Upon further review of the man's belongings for additional stolen merchandise, SJPD Officers discovered, among other items an unsigned [REDACTED] The man, identifying himself as Zimbal, was placed under arrest, handcuffed, and searched, whereupon a handcuff key was found near the small of his back, taped to the inside of his belt.
7. During the SJPD booking process, the person originally identified as Zimbal was positively identified as Peter Daniel Young through a fingerprint comparison. Young was further identified with a date of birth of June 26, 1977, as having brown eyes and brown hair, and as being six feet (or 72 inches) tall and approximately 150 pounds. SJPD inventoried Young's belongings and booked them for evidence and/or safekeeping. At the time of his arrest, Young was in possession of numerous items including items described in Attachment D. These items were transferred to the custody of the FBI on March 24, 2005.
8. On September 16, 1998, Young and co-conspirator Justin Clayton Samuel ("Samuel") were indicted in the U.S. District Court for the Western District of Wisconsin on four counts of violating Title 18 U.S.C. § 1951 (Interference with Commerce by Threats or Violence) and three counts of violating Title 18 U.S.C. § 43(a) (Animal Enterprise Terrorism). They were indicted in connection with direct actions as related to the release of mink from Wisconsin fur farms from October 24 to 26, 1997. A copy of the federal Indictment in the case of United States of America v. Peter Daniel Young and Justin Clayton Samuel, docket number 98-CR-91-S, is attached hereto as Exhibit A and incorporated herein by reference. Prior to their indictment, Young and Samuel were stopped on October 28, 1997, by police in Wisconsin, and on October 29, 1997, a search warrant was executed for the contents of their vehicle. Among other things in the car, it was discovered that Young kept a personal diary, various phone lists, receipts, literature and documents. An analysis of these items showed that Young documented some of their travels and their animal rights associates.
9. On September 18, 1998, valid federal warrants were issued by the U.S. District Court for the Western District of Wisconsin for the arrest of both Young and Samuel. A copy of the federal Arrest Warrant for Young, is attached hereto as Exhibit B and incorporated herein by reference.
10. Notwithstanding ongoing attempts to locate and arrest Young and Samuel, both individuals knowingly and willfully avoided capture, as federal fugitives, until such time as each was

captured by law enforcement officials. Through continued investigation by the FBI, and other law enforcement agencies, Samuel was arrested on September 4, 1999, in Hasselt, Belgium by the Belgian National Police. Samuel was subsequently extradited to the U.S. where on November 3, 2000, he pled guilty to two counts of Title 18 U.S.C. § 43(a) (Animal Enterprise Terrorism). Young still remained a federal fugitive during that time period.

11. Beginning upon Young's indictment, the FBI and other law enforcement agencies attempted to locate Young, by various means, including among other things, through contacts with his family members, through providing information to the media and over the Internet, and through notification to domestic local, state and federal law enforcement agencies and to foreign law enforcement organizations associated through Interpol.

#### **Facts and Circumstances Supporting Probable Cause**

12. Based on my training, education and experience, I know that some individuals involved in the animal rights movement commit various acts of criminal activity. Some of these individuals act alone and some act in collaboration with other persons. A number of animal rights groups encourage and/or solicit their members and other associates to commit activities which they consider to be "direct actions." Direct actions normally encompass some element of criminal activity and do not typically include legal protest activities or demonstrations. For example, the Animal Liberation Front ("ALF") has claimed responsibility for many direct actions that have caused several million dollars in damages.
13. Animal rights groups generally do not have an organized membership for the purpose of conducting their criminal activities. ALF actions, for instance, are typically conducted by "cells" or small groups of people operating independently and without formal direction from any centralized leadership. These decentralized "cells" commit direct actions against known animal rights targets, such as medical laboratories that conduct animal testing. Most direct actions are then reported anonymously to the public, through the Internet and other means, on behalf of an animal rights group itself, such as in the case of ALF.
14. The investigation into Young's activities since the warrant was issued for his arrest indicate that he has maintained his affiliation with animal rights activists, at least since 2004. In or about July or August 2004, an officer with the Santa Cruz police department making a welfare check for a woman living at 703 3<sup>rd</sup> Street in Santa Cruz, the same building in which Young has resided since May 2003, identified Young [REDACTED] a known animal rights activist, and several suspected animal rights activists at that location. On or about July 12, 2004, an individual identifying himself as Simon Zimbal, date of birth April 2, 1976, was stopped in Indiana along with Rodney Coronado, a nationally recognized animal rights activist. The Total Liberation Tour, an anarchist and animal rights presentation, was being held in Indiana at the same time that Coronado and Zimbal were identified.



15. Young is also suspected of having more recent contact with other animal rights activists. As stated above, Young had a Visa card in the name of [REDACTED] in his possession at the time of arrest. [REDACTED] a known animal rights activist who lives in San Francisco. Among other activities, [REDACTED] had a restraining order placed against her [REDACTED] for her involvement in an animal rights direct action. The postal carrier who delivers mail to 703 3<sup>rd</sup> Street in Santa Cruz states that [REDACTED] receives mail at that location.
16. Several items in Young's possession at the time of his arrest as a federal fugitive, including a bus map, a Kinko's card and a music store receipt, place him within several blocks of [REDACTED] house. [REDACTED] is a known animal rights activist who resides in Santa Cruz. Beginning on or before April 20, 1997, [REDACTED] had some association with, knowledge of, or affiliation with Young, since both [REDACTED] recently attended Young's court appearance on March 21, 2005, and his contact information, among others, was placed on a piece of paper to be given to Young in jail.
17. Since the time of Young's arrest, the investigation has revealed that Young has been living in Santa Cruz under the assumed identity of Zimbal. Santa Cruz Property Management Company advised that Young, using the Zimbal alias, rented the 703 3<sup>rd</sup> Street, Apartment # 7 address beginning on or about May 5, 2003 until the present. Based on my training and experience, I am aware that fugitives will often keep records of the people who have assisted them, the places where they have been while evading law enforcement, as well as potential places to go to in the event of detection. Often this may occur at a location that the fugitive considers safe. Furthermore, safe locations can include the place where the fugitive is currently hiding. In fact, Young has previously demonstrated his routine of recording his contacts and travels, as was discovered during the search of Young and Samuel's vehicle in 1997 as discussed above.
18. I also believe the following specific items, which are listed in Attachment D as being in Young's possession when he was arrested, provide probable cause to believe that Young was living in Santa Cruz in order to receive some form of assistance from local animal rights [REDACTED] and that evidence of their support will be found in these items.
- a. A Hewlett Packard 3.2 mega-pixel digital camera, model number M307, serial number CN479145MK. Young's possession of the camera suggests the possibility that photographs of some of his recent friends and/or associates may be in memory on the camera.
  - b. One gray and blue-colored Motorola Nextel 195CL cellular telephone, model number H57UAN6RR7AN, serial number 919TCQ1088, SIM card number 890130/0800705043736F. Young's possession of a cellular phone suggests that he is in contact with people, possibly friends and/or associates. A Nextel representative was contacted by Agents and provided with the serial number and SIM card number of

the phone found in Young's possession. The Nextel employee was unable to identify any cellular telephone for which Nextel provided service and advised that the SIM number printed on the SIM card may not be accurate and that Nextel did not have a record of the serial number provided. The Nextel representative further advised that an accurate SIM number for this Nextel telephone could be identified after turning the phone on and accessing several menu functions. The actual SIM card number and the telephone number for this phone are, as of yet, unknown or unable to be verified without turning on the phone and accessing its internal memory. The telephone number for this phone is unknown, however this Affidavit is seeking to allow Agents to turn the phone on and access the memory of the phone and any voicemail messages that may have been recorded.

- c. One X-symbol key ring, containing seven keys. Young's possession of these keys, which do not seem to contain any vehicle keys from a visual inspection of the keys, suggests that he had a residence, as the keys fit a general description of house or apartment keys. These keys have yet to be copied, however, this Affidavit seeks to allow Agents to copy the keys for comparison at a number of possible addresses visited by Young.
- d. 15 U.S. Postal Delivery Confirmation receipts, dated between January 13, 2005 and February 8, 2005. Eleven were stamped from the East Santa Cruz Post Office, zip code 95062, and four were stamped from the Santa Cruz Post Office, zip code 95060. Young's possession of these suggests that he was mailing out several packages in at least the January and February 2005 time frame, and therefore that he was making contact with people in some capacity and he was not merely in hiding. One of these two Post Offices was where [REDACTED] residence, and one employee identified a photo of Young as someone who brought between 20 to 50 small "media mailer" packages containing CDs, digital video disks ("DVDs"), or books to mail out to customers of his unspecified business, which he said he operated through his computer. This provides probable cause to believe that a computer, and possibly business-related records and contacts, will be located at Young's residence.
- e. One address/telephone book marked on the outside with "EMBRACE 10D" and an "EARTH CRISIS FOREVER TRUE" sticker, dated 2001. Given the nature of an address/telephone book, there is probable cause to believe that the address/telephone book found in Young's possession at the time of arrest will contain information relating to means of contacting individuals. Based on my training and experience working on animal rights movement and fugitive cases, I believe that Young would maintain records of means by which he could contact those willing to assist him.
- f. One store receipt for Streetlight Records in Santa Cruz dated January 26, 2005 at 7:30

pm, located at an address of 939 Pacific Avenue, Santa Cruz, California 95060, telephone number (831) 421-9200. Agents interviewed several employees of this store, one of whom recognized a photograph of Young and stated that Young had been frequenting the store over approximately the past year. Young was last seen in the store about one week before his arrest. This store is approximately three blocks from [REDACTED] residence.

- g. One FedEx-Kinko's Office and Print Center Card, number VC426370R06, or possibly VC426370R06. The card has a small, white piece of paper taped to the front with "3.16" written on the paper. Agents visited the store and determined that such cards, with similar serial numbers, are sold from a vending-style kiosk within the store. This card records all customer transactions, such as sending a facsimile or making copies, on the memory chip. That specific information has yet to be accessed, but this Affidavit seeks to allow Agents to access the memory of the chip to determine its activity and the exact location of that activity. This Fedex/Kinko's store is approximately one block from [REDACTED] residence.
- h. One unsigned Wells Fargo Visa credit/check card, issued in the name of [REDACTED] account number [REDACTED] an activation sticker affixed to the front of the card. There is additional probable cause to believe that individuals, possibly including [REDACTED] may have provided assistance in concealing Young from arrest because of Young's possession [REDACTED]. At the time of Young's arrest, the back of [REDACTED] card was not signed, and the activation sticker was still affixed to the front of the card. Initial investigation into this Visa, as conducted by the arresting SJPd officers on or about March 21, 2005, revealed that the credit card had been activated, but the card had neither been reported stolen nor cancelled and the card expires in January 2007. Since Young has been in the Santa Clara County Jail, several outgoing calls made by him have been recorded and reviewed by Agents. One such call on or about March 26, 2005 is a recording of Young speaking with an unknown female. A part of their conversation revolves around the fact that Young is being charged with felony possession of a stolen credit card. Regarding this assertion, Young comments something to the effect of "I definitely didn't have any stolen credit cards on me" at the time of his arrest. This comment by Young bolsters probable cause that [REDACTED] or an unknown individual, may have provided the Visa card to Young as a means of aiding him in avoiding capture. Additional details about the activity on [REDACTED] Visa account have not yet been made available to investigators from Wells Fargo.
- i. One Virginia Identification card number T63-44-1501, issued in the name of Simon William Zimbal, date of birth April 2, 1976, height 6'0", address 1020 William Street # 512, Fredericksburg, Virginia 22401-5462. The card was issued on March 1, 2003 and was due to expire on March 1, 2008, in the name of Zimbal. Some significance for this item has been discussed; however, additional investigation by Agents has

revealed that Young used this identity to rent the apartment at 703 3<sup>rd</sup> Street, Apartment # 7 in Santa Cruz from on or about May 5, 2003 to the present.

#### **Description of Computer Systems and Electronic Storage Devices and Media**

19. I have consulted with FBI Computer Forensic Examiner ("CFE") Donald C. See, who has been employed with the FBI for approximately 22 years. CFE See is specially trained in computer search and seizure and is certified by the FBI as a member of the FBI Computer Analysis Response Team (CART). CFE See has been a member of CART for approximately seven years and has conducted numerous searches and seizures involving computers and computer data. CFE See has also told me what is summarized in paragraphs below.
20. Computer hardware, software, documentation, passwords, and data security devices may be important to a criminal investigation in two distinct respects: (1) the items themselves may be instrumentalities, fruits, and/or evidence of crime; and/or (2) items may have been used to collect and store information about crimes (in the form of electronic data). Thus, Rule 41 of the Federal Rules of Criminal Procedure permits the government to search and seize computer hardware, software, documentation, passwords, and data security devices which are: (1) instrumentalities, fruits and/or evidence of crime; and/or (2) storage devices for information about crimes.
21. Based on his knowledge, training, and experience, CFE See knows that searching and seizing information from computers often requires agents to seize most of all electronic storage devices (along with related peripherals) to be searched later by a qualified computer expert in a laboratory or other controlled environment. This is true because of the following:
22. Computer storage devices can store the equivalent of thousands of pages of information. Additionally, a suspect may try to conceal evidence; he or she might also store it in random order with deceptive file names. This may require searching authorities to examine all the stored data to determine which particular files are evidence or instrumentalities of crime. This sorting process can take weeks or months, depending on the volume of data stored, and often it would be impractical to attempt this kind of search on site.
23. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. For example, on site and laboratory analysis by a qualified computer specialist is often required in order to properly retrieve and analyze electronically stored (computer) data, document and authenticate the data, and prevent the loss of the data either from accidental or deliberate programmed destruction. In many cases, the evidentiary data can be backed up to government owned computer data storage devices at the site of the search. However, there are circumstances that may necessitate the seizure and removal of the entire computer system and peripheral devices to a secure laboratory setting in order to analyze and extract the evidence. To effect accurate and complete analysis may require seizure of all computer equipment and peripherals which may be interdependent, the software to operate the computer system, data security devices (including passwords) and related instruction manuals

which contain directions concerning the operation of the computer system and software programs. This is true because the peripheral devices which allow users to enter or retrieve data from the storage devices vary widely in their compatibility with other hardware and software. Many system storage devices require particular input/output devices in order to read the data on the system. It is important that the computer expert be able to properly re-configure the system as it now operates in order to accurately retrieve the evidence. In addition, the computer expert needs the relevant system software (operating systems, interfaces, and hardware drivers) and any application software which may have been used to create the data (whether stored on hard drives or on external media), as well as all related instruction manuals or other documentation and data security devices.

24. Based on the above facts and circumstances and information, permission is requested to seize all computer systems and peripherals if necessary even though there may be unrelated information stored on the computer system(s). This unrelated data will not be used and will be separated (to the extent possible) from the evidentiary data and preserved.
25. The terms "records," "documents," and "materials" include all of the items described in Attachments C and D in whatever form and by whatever means they may have been created and/or stored. This includes any handmade, photographic, mechanical, electrical, electronic, and/or magnetic forms. It also includes items in the form of computer hardware, software, documentation, passwords, and/or data security devices.

#### Conclusion

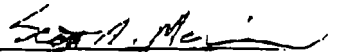
26. From on or about September 18, 1998 through the present, Young has knowingly and willfully avoided capture as a federal fugitive given his lifestyle over at least the last two years by his possessing and utilizing a false Virginia Identification card to live and work undetected by law enforcement. Based on the facts as described in this Affidavit, I have probable cause to believe that one or more individuals, possibly including Hayden and/or Solomon, have in some manner assisted Young in remaining concealed from arrest.
27. Young remains in the custody of the Santa Clara County Department of Corrections, awaiting transfer into federal custody and potential extradition to the Western District of Wisconsin. Young's personal belongings currently remain in the lawful custody of the United States.
28. Based on the foregoing facts, along with my knowledge of the case, my education, training, and experience as a federal law enforcement officer, and consultation with others involved in this investigation, I have probable cause to believe that at some unknown date on or after September 18, 1998 until on or about the present, an unknown number of Young's friends and/or associates have engaged in being an Accessory After the Fact in violation of Title 18 U.S.C. § 3, Conspiracy to Conceal a Person from Arrest in violation of Title 18 U.S.C. § 371, and Concealing a Person from Arrest in violation of Title 18 § 1071; and that evidence, fruits, and instrumentalities of such violations, further described in Attachments C and D, will be found at the following location and among the following items and will provide additional evidence of



violations of those federal criminal statutes.

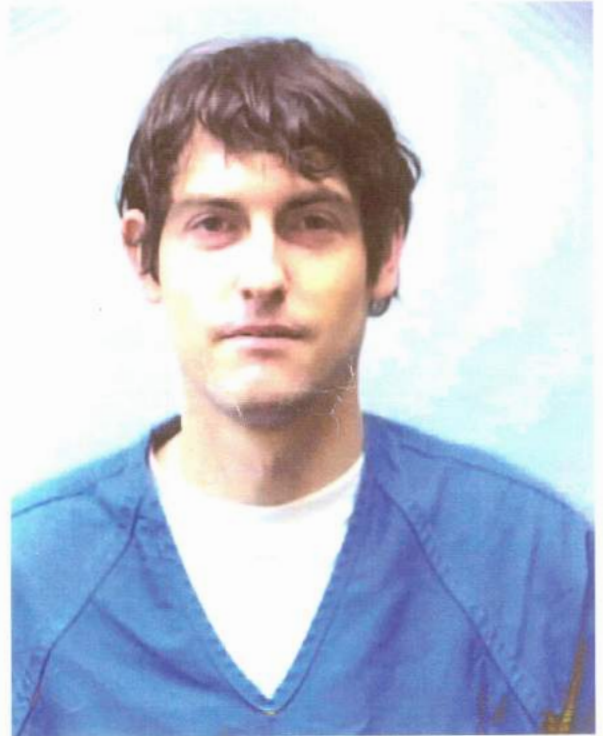
29. The apartment located at 703 3<sup>rd</sup> Street, Apartment # 7, Santa Cruz, California 95060. The place to be searched is further described in Attachment A
30. Certain items found on the person of, or in the possession of, Peter Daniel Young, a white male, date of birth June 26, 1977, at the time of his arrest on March 21, 2005 by SJPD. The items to be searched are further described in Attachment D.
31. This is a continuing investigation into who, if anybody, assisted Young during his years as a fugitive. Although he is currently in custody and some of his suspected associates are aware that he has been arrested, these and other individuals may attempt to conceal the efforts they made to assist him. As such, disclosure of the search warrant, the application, this affidavit and attachments, and the exhibits hereto, will jeopardize the successful progress of this investigation. Therefore I request that this search warrant, the application, this affidavit and attachments, and the exhibits hereto, be sealed until further order of the Court.

Sworn to this 31<sup>st</sup> day of March, 2005 at SAN FRANCISCO, California.

  
SCOTT A. MERRIAM  
Special Agent  
United States Department of Justice  
Federal Bureau of Investigation

Sworn to and subscribed before me on this 31<sup>st</sup> day of March, 2005.

  
JOSEPH C. SPERO  
United States Magistrate Judge



**YOUNG, PETER**  
**223341**

SHERIFF

On 03/22/2005, San Francisco JTTF member NCIS SA Robert S. Colvin conducted the following investigation at:

OAKLAND, CALIFORNIA

Oakland RA IA Sharon Coburn searched the National Law Enforcement Telecommunication System (NLETS) for Virginia identification number T63441501 and discovered the following:

Name:	SIMON WILLIAM ZIMBAL
Address:	1020 William Street #512 Fredericksburg, Virginia 22401
Sex:	Male
Date of birth:	April 2, 1976
Height:	72 inches
Weight:	150 pounds
Hair color:	Brown
Eye color:	Blue

IA Coburn searched the California Department of Motor Vehicles (DMV) for PETER DANIEL YOUNG and produced a picture of YOUNG dated August 9, 1996, which is attached to and considered part of this investigative report. This search also discovered the following:

California identification number:	B747187
Sex:	Male
Hair color:	Brown
Eye color:	Brown
Height:	72 inches
Weight:	155 pounds
Date of birth:	June 26, 1977
Address:	1527 Blackhawk Drive Sunnyvale, California 94087

IA Coburn searched the National Crime Information Center (NCIC) for SIMON W ZIMBAL and discovered the following:

FBI number:	471631EB3
Sex:	Male
Race:	White
Date of birth:	June 26, 1977
Height:	72 inches
Weight:	150 pounds
Eye color:	Brown
Hair color:	Brown

Place of birth:	California
Alias names:	PETER DANIEL YOUNG PETER YOUNG SIMON ZIMBAC
Associated date of birth:	April 2, 1976
Associated social security number:	537-21-7716
Criminal records:	California Washington

IA Coburn searched NCIC for FBI number 471631EB3 and discovered the following:

Name: PETER DANIEL YOUNG  
California criminal record:  
April 20, 1997  
University of California - Davis Police Department  
PC-Trespass: Posted land: Refuse leave  
PC-Obstructs/Resists public officer  
Washington criminal record:  
October 8, 1992  
King County Department of Youth Services  
Forgery  
October 29, 1992  
Mercer Island Police Department  
Burglary  
November 13, 1992  
Mercer Island Police Department  
Theft  
Forgery  
October 16, 1996  
Mercer Island Police Department  
Theft  
March 4, 1997  
Mercer Island Police Department  
Theft  
August 30, 1997  
Mercer Island Police Department  
Trespass

IA Coburn searched Choicepoint for PETER D YOUNG in California producing 599 results. There were no date of birth matches for June 26, 1977 or April 2, 1976. There were no social security number matches. There were no addresses listed in Sunnyvale.


IA Coburn searched Choicepoint for 1020 William Street #512, Fredericksburg, Virginia and discovered the following:

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/01/2005

On March 31, 2005, pursuant to a federal search warrant signed and authorized on March 31 2005 by U.S. Magistrate Judge Joseph C. Spero, for the Northern District of California in San Francisco, the following investigation was conducted at 703 3rd Street #7, Santa Cruz, California by Special Agents (SAs) of the Federal Bureau of Investigation and other federal law enforcement officers:

At approximately 3:55 p.m., SA Merriam obtained the keys to apartment #7 from Kristin McCormick, Santa Cruz Property Management. At approximately 4:15 p.m., SA Merriam notified property owner, Leslie Andrews of the execution of the search warrant. At approximately 4:30 p.m., SA Pascua knocked and announced the execution of a federal search warrant. SA Pascua used the keys provided by the management company to unlock the lower lock. Utilizing keys seized from YOUNG's person by San Jose Police Department on March 21, 2005, (see separate search warrant for the personal belongings of Young 3-05-70219), SA Pascua unlocked the upper lock on the door. A security sweep of the premises was conducted in order to secure premises. 

The following is a list of the FBI SAs and other federal law enforcement SAs who participated in the search and their designated assignments:

SA Suzanne G. Solomon, Team Leader, Finder, Evidence control log  
SA Scott A. Merriam, Finder, Searcher  
SA Holly Erickson, Finder, Searcher  
SA Arvinder K. Ginda, Sketch, Searcher  
SA Emmanuel V. Pascua, Searcher  
SA Spiro J. Stamos, Searcher  
SA T. M. Ito, Photographer  
Naval Criminal Investigative Service SA Robert S. Colvin, photograph log  
Coast Guard SA Scott E. Rutz, Searcher

Utilizing a Nikon camera, SA Ito took color photographs upon entry, during and at the conclusion of the above search. When appropriate, individual photographs were taken of specific evidence


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Investigation on 4/1/2005 at Santa Cruz, CA

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File # 266A-SF-137767; 266A-MW-36601 - 1025X 13 Date dictated n/a

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by SA Suzanne G. Solomon 



266A-SF-137767; 266A-MW-36601.  
JCB:jcb

1

On 04/06/2005, SA Joseph P. DeVuono, Chicago Division, provided SA Jennifer C. Burnett with the following information obtained by United Airlines regarding upcoming travel by SIMON ZIMBAL:

04/08/05 UAL flight 134 SF to O'Hare  
04/08/05 UAL flight 5620 O'Hare to Milwaukee  
  
04/11/05 UAL flight 5625 Milwaukee to O'Hare  
04/11/05 UAL flight 153 O'Hare to SF

The ticket was purchased with cash and no additional information to include credit card information was obtained.

-21  
266A-SF-137767, 266A-MW-36601 - 702 SF 12  
SGS:sgs *SGS*

1

The following investigation was conducted at  
Oakland, California on March 25, 2005 by Special Agent Suzanne  
G. Solomon:

A review of the www.directaction.com website was  
conducted. Listed under news was a posting dated March 24,  
2005 on BITEBACK magazine reporting the arrest of PETER YOUNG  
on March 21, 2005. The posting also listed YOUNG's booking  
number and the address of the jail. A copy of the posting is  
attached to this insert.

*Q*

*h*

# BITE BACK MAGAZINE

74470

Peter Young  
Booking #05015987,  
PFN #DVF828  
c/o Santa Clara Main Jail  
885 North San Pedro Street  
San Jose, CA 95110

Peter Young was arrested March 21 and is being held on a federal fugitive warrant. Peter has been "on the run" since 1998 after being indicted under the Animal Enterprise Terrorism Act, following a series of mink liberations.

More information about Peter will be posted soon.

Please write a letter of support to Peter today!

**BITE BACK**  
MAGAZINE

222 Lakeview Ave  
Ste. 150 231  
West Palm Beach,  
FL 33411

ISSUE #3  
OUT NOW

>> [EMAIL BITE BACK](#)

20  
266A-SF-137767; 266A-MW-36601 -761  
JCB:jcb *eb*

1

On 03/30/2005, SA Corey Ford, United States Department of State, on the FBI's JTTF, provided SA Jennifer C. Burnett with the following passport information associated with SIMON WILLIAM ZIMBAL, born April 2, 1976, the alias of PETER DANIEL YOUNG, born June 26, 1977.

No United States Passport application was found in the name SIMON ZIMBAL. There is a United States Passport, number 045021916, in the name PETER DANIEL YOUNG which was issued in February 1998. The application was accepted on January 30, 1998 by a Postal Employee in Gainesville Florida 32601. Following are the details obtained from that passport:

NAME:	Peter Daniel Young
ADDRESS:	██████████, Washington DC 20009
DOB:	June 26, 1977
SSAN:	537217716
POB:	Los Gatos, CA
HOME PHONE:	(206) 235-3536
OCCUPATION:	Host
TRAVEL PLANS:	France - 2 weeks
FATHERS NAME/DOB:	██████████ ██████████ ██████████ ██████████
MOTHERS NAME/DOB:	██████████ ██████████ ██████████ ██████████ ██████████
EMERGENCY CONTACT:	██████████ ██████████ 192 D Rockville Pike, Maryland 20852, (206) 235-3536

APPLICANTS IDENTIFYING DOCUMENTS: Drivers License issued on December 8, 1995 in Washington State.

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/04/2005

On March 31, 2005, Dave Nixen was interviewed at his place of business, UPS Store, 245 Mount Herman Road, Suite M, Scotts Valley, California, telephone (831) 438-7038. After being advised of the identities of the interviewing agents and the purpose of the interview, Nixen provided the following:

The UPS store provides various services to include mail delivery and mail box addresses. The user of box #124 has the following information on file:

Address: 1019 Maple Court #109  
Santa Cruz, CA 95060  
Home: (831) 425-1093  
Email: [REDACTED]@[REDACTED].com

Nixen advised that Proctor paid cash on May 7, 2004, for a one year rental of box #124. The advanced payment for one year gave Proctor three months free. Therefore, the box is paid for until August 7, 2005.

Nixen advised that all users of mail box services must show a valid identification at the time of rental agreement, and an employee is required to make a copy of the identification. He reported that it appeared Proctor showed a California drivers license, but for an unknown reason the copy of the drivers license was not located in the file for Proctor nor was the number written on the rental agreement.

Investigation on 03/31/2005 at Scotts Valley, California


File # 266A-MW-36601; 266A-SF-137767-17 Date dictated N/A  
by SA HOLLY ERICKSON  
SA ARVINDER K. GINDA



## EXHIBIT B

(September 18, 1998 Federal Arrest Warrant for Peter Daniel Young)

## WARRANT FOR ARREST

United States District Court		DISTRICT WESTERN DISTRICT OF WISCONSIN	
United States of America		DOCKET NO.	MAGISTRATE JUDGE CASE NO.
v.		98-CR-91-5	
Peter Daniel Young, Defendant.		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED: Peter Daniel Young 760 76th Avenue S.E. Mercer Island, WA	
Warrant issued on the basis of:			
<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Order of Court <input type="checkbox"/> Information <input type="checkbox"/> Complaint			
TO: Any Authorized Law Enforcement Officer.			
District of Arrest:		City:	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Interference with commerce by threats or violence (18 USC §1351) Animal Enterprise Terrorism (18 USC §43)			
IN VIOLATION OF Title 18 U.S.C. Sections 1351, 2, and 43(a)			
Bail: DETENTION REQUESTED BY THE UNITED STATES ATTORNEY'S OFFICE			
Other Conditions of Release:			
Ordered BY:		Federal Judge/Magistrate Judge	Date Order:
Clerk: SEPHIA W. SKUPNIEWITZ		(By) Deputy Clerk 	Date Issued: SEP 18 1998
RETURN			
This Warrant was received and executed with the arrest of the above-named person.			
Date Received:		Date Executed:	
Name and Title of Arresting Officer:		Signature of Arresting Officer:	

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 98-CR-91-S-01

PETER D. YOUNG,

Defendant.

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**BRIEF IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE**

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For the purpose of this motion, Young does not take issue with the court's conclusion that Deputy Fuller had a reasonable suspicion that justified a brief investigatory detention of Young and the car he was driving.<sup>1</sup> The facts presented at the evidentiary hearing regarding Young's motion, however, do not permit the conclusion that Fuller had probable cause to seize the car.

The court's Report and Recommendation concerning Samuel's suppression motion recites the standard the government must meet to establish probable cause. As applied to this fact situation, the law regarding probable cause hasn't changed significantly since that opinion was written in 2000. This brief will not retread that ground.

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<sup>1</sup> Dkt. 68: 10.

Nothing that Fuller personally observed established probable cause to seize the car. Fuller admitted that he observed no traffic violations and that he did not see the occupants of the car violate any law. The question is therefore whether the information Fuller obtained from others gave him probable cause to seize the car.

What Linda Zimbal actually knew (and what she apparently conveyed to Fuller) is ambiguous.<sup>2</sup> Zimbal testified that she was “told that there were some raids in central Wisconsin and that day we were also – our calling tree was enacted because there were several farms in the Mishicot area that had seen the suspicious vehicle that was involved in the raids in central Wisconsin.” (Tr. 8/4/00 at 6) We don’t know who saw the Geo or whether that person is reliable. More importantly, the statement that the vehicle “was involved in the raids” is conclusory. Zimbal did not explain how the vehicle was involved or why it was believed to be involved.<sup>3</sup> Conclusory statements do not suffice to establish probable cause. *United States v. Mykytiuk*, 402 F.3d 773, 776 (7th Cir. 2005).

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<sup>2</sup> Zimbal didn’t recall “exactly what [she] communicated” to Fuller. (Tr. 8/4/00 at 19)

<sup>3</sup> Zimbal was uncertain about what she had actually been told. She testified that the Geo had been “seen at one of the – one or more of the break-ins, I guess.” (Tr. 8/4/00 at 8) Zimbal’s “guess” about what was seen cannot support probable cause. Zimbal later admitted that she wasn’t sure the Geo was seen at the time any raid occurred. (Tr. 8/4/00 at 18)

The government's exhibit 2 establishes a basis for Deputy Fuller's belief that the Geo had been seen on October 27 "in the vicinity of a fur farm at Mishicot ... and earlier at 1:00 PM ... was seen at a fur farm in Kewaunee." But October 27, 1997 was a Monday, and according to Linda Zimbal, there had been raids at mink farms in *central* Wisconsin "just that weekend before" October 28. (Tr. 8/4/00 at 7) Mishicot and Kewaunee are on the *eastern* border of Wisconsin. The fact that a Geo was seen near some mink farms at least a day *after* raids *in a different part of the state* doesn't make it probable that the Geo was connected to the raids.

Zimbal did not testify that there were any raids in Mishicot. Mink farmers near Mishicot may have seen the Geo – and it would be difficult to drive through rural Wisconsin without traveling near a mink farm<sup>4</sup> – but since there were no reported raids in Manitowoc County, the presence of the Geo there could not have established probable cause to believe that the Geo had been involved in crimes committed in another part of the state.

Fuller claims he relied on the "teletype of attempt to locate that vehicle concerning activity involving mink ranching in Trempealeau

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<sup>4</sup> According to the March 31, 2005 edition of the *Marshfield News-Herald*, Wisconsin is "one of the largest mink-producing states in the country." See <http://www.wisinfo.com/newsherald/mnhlocal/283232610505856.shtml>. Wisconsin's Department of Agriculture boasts that Wisconsin "leads the nation in the production of mink pelts." See <http://www.wisagclassroom.org/Wisconsin's%20Agricultural%20Commodities.pdf>

County.” Exh. 3 at 2; Tr. 8/4/00 at 36. Fuller admitted that Trempealeau County is at the Wisconsin/Minnesota border, while Oostburg, where Fuller encountered the Geo, is near Lake Michigan, at the opposite end of the state. Notably, the teletype *does not* say that the Geo had been seen in Trempealeau County. It says the vehicle was seen in Manitowoc and Kewaunee Counties, and then it says there had been mink releases in Tomahawk, Medford, and Independence over the weekend.<sup>5</sup> (Exh. 2) That *non sequiter* does not create probable cause to suspect the vehicle’s involvement in those raids, because the teletype doesn’t claim that the Geo was seen in those cities.<sup>6</sup>

The other information that Zimbal conveyed to Fuller added little to the probable cause equation. As Fuller testified, Zimbal saw the Geo drive north on County Highway A, turn into a dead-end road, and then drive south on County A to Oostburg. Fuller acknowledged that he doesn’t know whether the dead-end road, Abraham Court, was identified by a street sign. It is therefore disingenuous of Fuller to read an intent

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<sup>5</sup> Independence is in Trempealeau County. Tomahawk and Medford are in northern Wisconsin. Neither Zimbal nor Fuller suggested that the Geo was seen near Tomahawk or Medford, and “central Wisconsin” is too vague to support the inference that the Geo was seen as far north as Tomahawk.

<sup>6</sup> Nor does close analysis of the facts support the finding that “according to the FBI’s transmission, over the weekend of October 25-26, while the Geo was meandering across Central Wisconsin’s back roads, three illegal mink releases occurred in the vicinity.” (Dkt. 68: 11-12) A “vicinity” that includes both Tomahawk and Independence encompasses almost all of Wisconsin, and in any event, the teletype does not claim that the Geo was seen in central, northern, or western Wisconsin. It states that the Geo was seen, at least a day after the raids, in far eastern Wisconsin.



to deceive into Young's denial that he had been on Abraham Court. How would Young have known the name of an unsigned dead-end road?

Turning onto a dead-end road, driving a short distance, and stopping to consult a map before returning to County A to drive in the opposite direction is evidence only of a driver who is trying to get his bearings. While Zimbal may have believed that the Geo was situated to have a good view of her farm, Fuller acknowledged that he has no evidence that any sign identified the property as a mink farm. Nor did Zimbal suggest that she ever saw the occupants of the vehicle gaze in the direction of her farm. There is no evidence that the view of farm sheds from Abraham Court would have permitted the conclusion that her property was a mink farm. While it may be suspicious that a driver would stop near her farm briefly to consult a map (and this behavior is really too commonplace to raise much of a suspicion), it fails to create a probability that the car would contain evidence of a crime.

It cannot be suspicious that the map Fuller later saw in the glove box was a "detailed" map of Wisconsin. Drivers who prefer "blue highways"<sup>7</sup> to interstates need maps that show the locations of those highways. The backpacks and clothing in the car were consistent with two young men on a camping trip, and campers need detailed maps to

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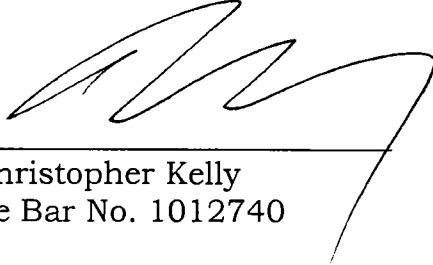
<sup>7</sup> William Least Heat's *Blue Highways: A Journey Into America* (1982) celebrates unhurried travel on two lane roads, often designated on maps in blue.

locate isolated campgrounds. Again, nothing in Fuller's observations objectively permitted suspicion to ripen into probable cause.

Probable cause is "a fluid concept," but it is nonetheless "clear that only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause." *Illinois v. Gates*, 462 U.S. 213, 232, 235 (1983). The information available to Fuller prior to the seizure of the vehicle barely made a prima facie showing that the car might contain evidence of a crime. Only speculation would permit Fuller to conclude that a car observed near mink farms a day or two after they were raided was probably involved in those raids. The investigatory detention of the car's occupants added no information that elevated suspicion to a reasonable, objective conclusion that the car *probably* held evidence of criminality. In light of the new evidence taken in support of this motion, the court should suppress the evidence seized as a result of the search.

Dated: August 5, 2005.

KELLY & HABERMEHL, S.C.  
*Attorneys for defendant*



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T. Christopher Kelly  
State Bar No. 1012740

Kelly & Habermehl, S.C.  
145 W. Wilson St.  
Madison, WI 53703  
Tel. (608) 255-9491  
FAX (608) 255-6137

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

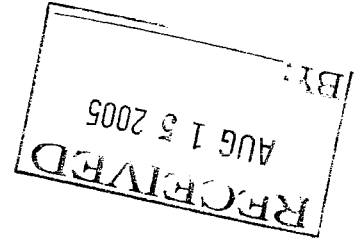
Plaintiff,

v.

PETER DANIEL YOUNG,

Defendant.

Case No. 98-CR-91-S



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BRIEF OF UNITED STATES IN OPPOSITION TO  
MOTION TO SUPPRESS EVIDENCE

1. Introduction

The defendant, Peter Young, has moved to suppress evidence obtained as a result of the stop, detention, and search of the red Geo Metro which he was operating on October 28, 1997. While conceding that the police had reasonable suspicion sufficient for a valid *Terry* stop, Young contends that there was insufficient probable cause to seize the vehicle for the purpose of obtaining a search warrant. For the reasons set forth below, the United States respectfully urges the Court to deny the motion to suppress because the seizure and search of the vehicle were founded upon probable cause to believe that the vehicle contained evidence of their involvement in the attacks upon the Wisconsin fur farms.

2. Facts

Linda Zimbal (Zimbal) and her husband were mink farmers in the Sheboygan County community of Oostburg, Wisconsin. (Tr pg. 3)<sup>1</sup>. Prior to October 28, 1997, Zimbal was alerted by a fur farmer telephone network of raids at fur farms in central Wisconsin within recent days. (Tr pg. 6). Zimbal was also aware that her fur farm was


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<sup>1</sup> References to the original evidentiary hearing transcript on the suppression motion will be referred to as "Tr" with a referenced to the page number.

listed in a publication by the "Animal Liberation Front" known as "The Final Nail." This publication was used by animal rights activists for locating and targeting fur farms. (Tr pgs. 4, 5). Through the telephone network, Zimbal was given a specific description of a vehicle sighted near numerous fur farms in recent days and that was believed to be connected to the fur farm raids. The vehicle was described as a red Geo Metro with State of Washington plates bearing the license number 560GDO. She had been informed that the vehicle was seen near fur farms prior to the break-ins. (Tr pg. 7). She had also been informed that five or six other farmers had seen the same vehicle near their fur farms. (Tr pg. 30).

From what Zimbal knew of the method of raiding the fur farms, it was believed that the animal rights activists would "case" the farm and check out its location before attacking the farm and releasing its stock. (Tr pg. 10). Zimbal further learned that the red Geo Metro had been seen driving very slowly by mink farms and sitting in driveways belonging to mink farms. If anyone approached the vehicle, Zimbal learned, the car would immediately leave the area. (Tr pg. 8). Zimbal indicated that the address for her farm in "The Final Nail" is actually the address to their home which is different than the farm. The farm is approximately a quarter-mile from their home on another road. (Tr pgs. 4, 11).

On October 28, 1997, Zimbal was washing windows in the front of her home. From her position, she could see the road running past her home. (Tr pg. 9). There is little traffic on the road. (Id.). While washing the windows, she saw a small red car driving very slowly down the road. This drew her attention as it was unusual. (Id.). Zimbal took her cell phone, got in her van and followed the small red car as it proceeded down Wilson-Lima Road. As she drew close to the Metro, she observed that the vehicle had Washington State license plates with numbers matching the description she had been given by the information in the alerts about the mink farm raids. (Tr pgs.



12, 13). She watched the car as it turned onto County Trunk A and then took another right onto Abraham Court, a dead-end road leading to her mink farm. She observed the vehicle go halfway down the road and stop. The small red car remained there for approximately two minutes, then turned around and returned to County Trunk A. (Tr pgs. 11, 12). Zimbal could see that while the car was stopped on Abraham Court, there were two individuals in the vehicle who were looking toward the fur farm. (Tr pg. 12).

Earlier that day, before Zimbal had seen the red vehicle near her mink farm, she had gone to the Sheboygan County Sheriff's Department and conveyed the information she had received in the mink farm alerts. She informed the sheriff's department about the red Geo Metro with the Washington license plates and its possible connection to the recent mink farm raids. She was advised by a captain at the sheriff's department that she should call 911 if she saw the vehicle described in the alerts. (Tr pgs. 13, 14).

After seeing the vehicle near her mink farm and observing what the two individuals in the Geo Metro were doing, she used her cell phone to contact the sheriff's department. She was eventually placed in contact with Deputy Seth Fuller. When Zimbal spoke to Deputy Fuller by cell phone, she conveyed all of the information she had received about the vehicle and its possible involvement in mink farm raids, sightings at mink farms, and its activity near her mink farm. (Tr pgs. 14, 32). Zimbal remained in constant communication with Deputy Fuller as she followed the Geo Metro into Oostburg where it pulled behind a grocery store and the occupants rummaged through a dumpster. The vehicle then moved to a location between a hardware store and a small restaurant. Zimbal estimated that she spent approximately twenty-five minutes on the phone with the deputy before he arrived and made contact with the Geo Metro and its occupants. (Tr pgs. 15, 31).

Deputy Fuller, at the time, had been a Sheboygan County Sheriff's Department Patrol Officer for over ten years. On October 28, 1997, he was working a 1:00 p.m. to



12, 13). She watched the car as it turned onto County Trunk A and then took another right onto Abraham Court, a dead-end road leading to her mink farm. She observed the vehicle go halfway down the road and stop. The small red car remained there for approximately two minutes, then turned around and returned to County Trunk A. (Tr pgs. 11, 12). Zimbal could see that while the car was stopped on Abraham Court, there were two individuals in the vehicle who were looking toward the fur farm. (Tr pg. 12).

Earlier that day, before Zimbal had seen the red vehicle near her mink farm, she had gone to the Sheboygan County Sheriff's Department and conveyed the information she had received in the mink farm alerts. She informed the sheriff's department about the red Geo Metro with the Washington license plates and its possible connection to the recent mink farm raids. She was advised by a captain at the sheriff's department that she should call 911 if she saw the vehicle described in the alerts. (Tr pgs. 13, 14).

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Deputy Fuller, at the time, had been a Sheboygan County Sheriff's Department Patrol Officer for over ten years. On October 28, 1997, he was working a 1:00 p.m. to

9:00 p.m. shift. (Tr pg. 35). Before beginning his shift, the sheriff's department conducted a roll call, at which time he received information to be on the watch for a vehicle associated with mink farm raids in Wisconsin. The information he was provided was the substance of an "Attempt to Locate" which had been issued by the Federal Bureau of Investigation (FBI) concerning the Geo Metro with Washington plates, 560GDO. The teletype from the FBI was received by the sheriff's department on October 27, 1997. (Tr pg. 36; Government Exhibit 1).

When Deputy Fuller arrived where the Geo Metro was parked between the hardware store and restaurant, he observed that the vehicle matched the description issued in the "Attempt to Locate." (Tr pg. 38). Further, the individuals in the vehicle matched the description of the persons in the Attempt to Locate. (Id.). As Deputy Fuller approached the front of the vehicle, he saw the driver of the vehicle look up at him and the passenger quickly shove a piece of paper into the glove box area. (Tr pgs. 38, 39). Peter Young was identified as the driver of the vehicle and Justin Samuel was identified as the passenger. When Deputy Fuller spoke to each of them separately, they indicated that they were on their way to Florida from the State of Washington. From the information Deputy Fuller had from Zimbal and their present location in Oostburg, it was apparent that the suspects were not using a common route to travel from Washington to Florida. (Tr pg. 40). Deputy Fuller also asked them why they had been on Abraham Court near the mink farm. Both Young and Samuel denied being on Abraham Court contrary to Zimbal's observations. (Tr pgs. 40, 41). Deputy Fuller found it unusual that if they were unfamiliar with the area, when he questioned them about Abraham Court, they did not ask where Abraham Court was located. Deputy Fuller mentioned the connection of Abraham Court to the mink farm, but neither of the suspects acknowledged seeing or being in the vicinity of a mink farm. (Tr pg. 41).

Deputy Fuller also observed of the visible contents in the vehicle from outside of

the vehicle. He noticed a very detailed map of smaller, less important roads for the Southwest area of Wisconsin. This raised suspicion in Fuller's mind because such a detailed map was inconsistent with their explanation that they were simply passing through the state en route to Florida. (Tr pg. 46) Deputy Fuller also noticed dark clothing which he believed could be used at night when the raids generally took place. (Tr pg. 47)

Deputy Fuller also received information from other law enforcement agencies concerning the possible connection of the Geo Metro to the raids that had occurred in Central Wisconsin. Deputy Fuller was informed that the vehicle had been seen by an off-duty officer at a mini-mart in Trempealeau County. The vehicle also had been seen around other mink farms in Wisconsin, some of which had experienced mink releases. (Tr pg. 52). Furthermore, the sighting in Trempealeau County was approximately four days before October 28, indicating that the Geo Metro was not simply passing through Wisconsin. (Id.).

Based upon all of the information which Deputy Fuller had at that point, the vehicle was seized and impounded for the purpose of obtaining a search warrant. When that decision was made, Samuel and Young were offered the option of being transported to the Sheboygan Sheriff's Department to wait for the search warrant to be completed and the search conducted, or they could be given a ride to any other location. They chose to be taken to a convenience store. (Tr pg. 69). Deputy Fuller provided Samuel and Young with a business card and phone number in order to contact Deputy Fuller to check on the status of the application for the search warrant. He told them, if the request for the search warrant was denied, the keys would be returned and they could take the car. (Id.).

### 3. Analysis

As this Court noted at the pretrial conference and evidentiary hearing in this

case, the Court has already weighed the facts and legal arguments concerning the existence of probable cause justifying the seizure of the Geo Metro until the state search warrant was obtained. In response to an identical challenge to the seizure of the car raised by the co-defendant, Justin Samuel, this Court found that probable cause existed to justify seizure of the car until the search warrant was issued. (R. 68).

While the Court indicated at Young's evidentiary hearing that it would consider the impact of any newly developed facts as they impacted upon the Court's prior probable cause finding, Young has done little to argue the impact of any new facts upon the probable cause. Rather he has largely revisited the previously established facts, and merely offered supplemental arguments and innocent explanations for isolated events or facts in the record.

Young seemingly contends that there was no certain or definitive evidence -- no reliable eyewitnesses, for example -- that he, Samuel or the Geo Metro were responsible for the Wisconsin mink farm break-ins. Granted, this is the case, otherwise their immediate arrests would have been warranted at the time of the stop. But certainty of criminal conduct is not the probable cause standard.

In *Chambers v. Mahoney*, 399 U.S. 42, 51 (1970), the Court held that it was reasonable to seize and impound an automobile, on the basis of probable cause, for "whatever period is necessary to obtain a warrant for the search." The Court declared:

For constitutional purposes, we see no difference between on the one hand seizing and holding the car before presenting the probable cause issue to a magistrate and on the other hand carrying out an immediate search without a warrant. Given probable cause to search, either course is reasonable under the Fourth Amendment. *Id.* at 52.

The probable cause standard is satisfied if, "under the totality of the circumstances, . . . there is a fair probability that contraband or evidence of a crime will be found in [the car]." *United States v. Navarro*, 90 F.3d 1245, 1253 (7th Cir. 1996). Probable cause requires only a probability or substantial chance of criminal activity, not

an actual showing of such activity. *Id.* (citing *Illinois v. Gates*, 462 U.S. 213, 243-44 n.13).

A review of the totality of circumstances surrounding the stop of the Geo Metro demonstrate that there was probable cause to search the vehicle because the fair probability of evidence within the vehicle existed.<sup>2</sup>

Specifically, before having contact with Young and Samuel, Deputy Fuller had information that: (1) a car matching the specific description of the Geo Metro was seen in and around a number of fur farms from central Wisconsin to the Sheboygan area; (2) the car was not simply seen passing the farms, but had stopped at, or drove slowly around the fur farms; (3) the car had Washington State license plates and, therefore, was not a local vehicle traveling on rural roads; (4) attacks on the central Wisconsin farms coincided with the sightings of this car; (5) the fact they had driven slowly past the Zimbal home address searching for the fur farm was a possible indication that they were using the "Final Nail" farm target list which carried the Zimbal's home address for the Zimbal fur farm; (6) in addition to information from Zimbal, Deputy Fuller was aware of an "Attempt to Locate" issued by the FBI for the very same vehicle in connection with the fur farm raids. Once Deputy Fuller approached the vehicle, his observations, the answers Young and Samuel provided to his questions, and the further information he received from investigative agencies connected to the "Attempt to Locate," led to probable cause to believe that the Geo Metro may contain evidence of the attacks on the fur farms.

Specifically, Deputy Fuller's observation of Samuel's furtive and rapid attempt to conceal the detailed southeast Wisconsin map in the glove compartment raised

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<sup>2</sup> In the final paragraph of Young's brief in support of his motion he concedes that "information available to Fuller prior to the seizure of the vehicle barely made a *prima facie* showing that the car might contain evidence of a crime." This statement immediately followed the citation to *Illinois v. Gates*, 462 U.S. 213, 232, 235 (1983), "it is nonetheless clear that only the probability, and not a *prima facie* showing, of criminal activity is the standard of probable cause."



suspicion about their presence and activity in the Oostburg area. If they had been lost or were seeking some innocent landmark nearby they would have no reason to appear nervous or hesitate to seek the deputy's aid with directions. Further, when they informed the deputy that they were merely traveling from the State of Washington to Florida, suspicion was compounded, since Sheboygan County, Wisconsin is not a normal route between those two locations.

Moreover, if they were lost or had taken a wrong turn, there would have been no reason for each of them to flatly deny having been on Abraham Court, near the Zimbal fur farm. Zimbal clearly witnessed them at that location. Yet, when Deputy Fuller asked them if they had been there, neither of them asked where the road was located, if they were indeed unfamiliar with that road. Neither of them offered an explanation suggesting they had stopped on any roads with which they were unfamiliar. Their flat denial of stopping on that road when coupled with the reports of their vehicle possibly "casing" fur farms prior to an attack, factored prominently in the determination of probable cause to search the vehicle. This suspicion was further bolstered by the deputy's observation of unusually detailed local maps in the car, not typically used by someone just passing through the area. In addition, the sightings of the Geo Metro dated back four to five days, during the same span as the reported farm raids in Wisconsin, again indicating that Young and Samuel were not simply passing through as they claimed to Deputy Fuller.

Finally, Deputy Fuller also observed dark clothing in the vehicle that could have been used to conceal their presence at night when the attacks on the farms usually occurred.

Although the defendant acknowledges the probable cause standards set out above, his argument focuses on the lack of an "actual" showing that he was involved in the farm raids rather than the existence of the probability that he was involved and that

evidence of his involvement could be contained in the car. His arguments concerning the existence of probable cause cast aside the “fair probability” standard, in favor of a “certainty” standard that is inconsistent with the controlling precedent concerning probable cause.

Young suggests a number of innocent explanations for isolated aspects of their activity, but those do not negate the fact that, considering the totality of circumstances, the most probable set of facts connected Young, Samuel and the red Geo Metro to the mink releases and justifies the search of their vehicle. In order to have sufficient probable cause to justify seizure and detention of the vehicle, the police do not need to explain away all other possible innocent explanations for their behavior. *See United States v. Malin*, 908 F.2d 163, 166 (7th Cir. 1990).

The one new aspect of information developed at Young’s evidentiary hearing was the uncertainty of the identifiable posting of “Abraham Court” or any sign identifying the Zimbal mink farm. Young asks, “How would Young have known the name of an unsigned dead-end road?” This very question, however, bolsters the reason that the deputy was suspicious. There is no dispute that Zimbal saw them on that road. But it is suspicious and peculiar that Young, unfamiliar with the roads and not having seen a sign, would have immediately denied being on Abraham Court. A person unfamiliar with the area, not possessing a detailed local map, or lost would have professed ignorance of the roads they had been on and inquired about it’s location. Furthermore, the fact that the mink farm was not identified with a sign would not detract from probable cause, but add to it. Only persons targeting the mink farms utilizing the address list of the unposted farms would know what they were observing or scouting. The only persons interested in scouting unposted mink farms would be those interested in conducting or aiding in raids against the farms.

Given that the farms were being raided at night, it was reasonable to assume that

the vehicle may contain evidence of clothing, flashlights or burglary-type tools which would aid them in the raids. Since the sightings of the Geo Metro were at numerous fur farms that were targeted by the Animal Liberation Front in out-of-the-way rural areas, it was reasonable to believe that there was a probability that they possessed evidence of lists or addresses of the farms which they were using to locate the farms. This was especially true since they passed the Zimbal home which was used as the fur farm address and was published in the "Final Nail," before they located the farm itself. There also was the probability that they possessed tools for cutting or opening the fences in order to free the mink. These are just a few of the types of possible evidence that the car could contain. Deputy Fuller listed in greater detail the type of items sought by the search in the application for the search warrant.

Based upon, (1) the information gathered by Deputy Fuller in the *Terry* stop, (2) the information known to the sheriff's department before the stop, and (3) the further details obtained from other investigating agencies, the Sheboygan County Sheriff's Department developed probable cause to believe that the Geo Metro may contain evidence that the occupants had been involved in the recent fur farm raids in Wisconsin, and that they were currently planning further farm attacks when intercepted by Deputy Fuller. Although, under the automobile exception to the warrant requirement, law enforcement could have searched the vehicle immediately, they chose to temporarily detain the vehicle while they sought a judicially issued search warrant. Deputy Fuller offered reasonable accommodation to Samuel and Young, so they could wait at the sheriff's department while the application for the search warrant was processed. However, Samuel and Young chose not to wait for their car, but accepted a ride to the local convenience store. Fuller provided them with a telephone number to contact him at the sheriff's department regarding the car. The search warrant was obtained the next day, October 29, 1997.

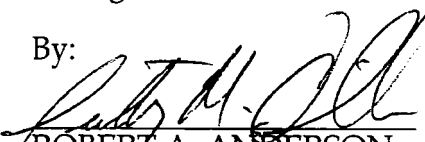
4. Conclusion

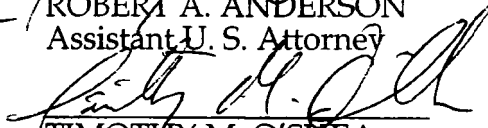
Based upon the forgoing, there was a fair probability that evidence of a crime would be found in the vehicle. Seizing the vehicle was reasonable and minimally intrusive, until such time as a search warrant could be obtained. The United States, therefore, respectfully requests that the court deny the defendant's motion to suppress evidence.

Respectfully submitted this 12<sup>th</sup> day of August, 2005.

STEPHEN P. SINNOTT  
Acting United States Attorney

By:

*For*   
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Assistant U. S. Attorney

  
TIMOTHY M. O'SHEA  
Assistant U. S. Attorney

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 98-CR-91-S-01

PETER D. YOUNG,

Defendant.

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**REPLY BRIEF IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE**

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The government argues that “certainty of criminal conduct is not the probable cause standard.” Gov’t brief at 6. True, but neither is suspicion. *Brinegar v. United States*, 338 U.S. 160, 175 (1949). “Probable cause exists where the facts and circumstances within [the officers’] knowledge and of which they had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed.” *Id.* Moreover, “it is clear that only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause.” *Illinois v. Gates*, 462 U.S. 213, 235 (1983).

The government argues that six bits of information add up to probable cause. The first is that a Geo Metro was seen near fur farms in central and eastern Wisconsin. Yet fur farms are ubiquitous in rural



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The government argues that six bits of information add up to probable cause. The first is that a Geo Metro was seen near fur farms in central and eastern Wisconsin. Yet fur farms are ubiquitous in rural

Wisconsin, negating the evidentiary value of observations of a car that happened to drive near a few of them.

Second, the Geo allegedly “drove slowly around the fur farms.” (Gov’t brief at 7) Actually, the Geo drove slowly past Linda Zimbal on Wilson-Lima road, and Zimbal was the only person who told Deputy Fuller that she’d seen the Geo drive slowly. There is no evidence of any fur farm on Wilson-Lima. Zimbal testified that the car drove past her *home*, and that she then called her “husband at the mink farm” (tr. 8/4/00 at 9). The fact that the Geo drove slowly past her home doesn’t make it probable that the Geo’s occupants were casing a fur farm.

Third, the Geo had Washington plates. Wisconsin prides itself on tourism. It is hardly suspicious that people from other states travel through Wisconsin.

Fourth, “attacks on the central Wisconsin farms coincided with the sightings of this car.” Gov’t brief at 7. Fuller had no evidence that the Geo was seen at the same time any fur farm was raided. Zimbal knew only that one unidentified farmer “saw this vehicle prior to the break-in at one point or another before that weekend.” (Tr. 8/4/00 at 7) That vague assertion hardly supports the statement that fur farm raids “coincided with the sightings of the car.” The only other information Zimbal could impart was that “our calling tree was enacted because there were several farms in the Mishicot area that had seen the suspicious vehicle that was involved in the raids in central Wisconsin.”

(Tr. 8/4/00 at 6) Zimbal gave Fuller no facts to support her conclusion that the Geo had been “involved” in the raids.<sup>1</sup>

Fifth, the government asserts that “they had driven slowly past the Zimbal home address searching for the fur farm.” Gov’t brief at 7. The government assumes that the Geo occupants were “searching for the fur farm,” but there’s no evidence that the occupants were searching for anything other than the town of Oostberg where they finally stopped.

Finally, the government relies on the “Attempt to Locate” issued by the FBI. As Young’s initial brief makes clear (and the government doesn’t dispute), the “attempt to locate” doesn’t claim that the Geo was seen near any mink releases.

The government places additional reliance on “Samuel’s furtive and rapid attempt to conceal the detailed southeast Wisconsin map in the glove compartment.” (Gov’t brief at 7) In fact, Fuller did not say that Samuel’s actions were “furtive” or that the map was “concealed.” The map obviously wasn’t concealed given Fuller’s ability to see it. In any event, there’s nothing suspicious about a driver having a map, or about

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<sup>1</sup> At one point, Zimbal testified that she believed “one of the farmers did indeed see that vehicle at his farm.” (Tr. 8/4/00 at 18) She quickly amended that statement, making clear that she thought the farmer saw the car “prior to the raid.” Then she admitted that, without looking at her notes, she didn’t know whether the farmer saw the car before or after the raid. (Tr. 8/4/00 at 19) More importantly, she couldn’t say that she gave any of that information to Fuller. (Tr. 8/4/00 at 19) In the absence of evidence that Fuller had any reason to believe that the Geo had been seen at a farm while it was being raided, there is no support for the government’s assertion that raids “coincided with the sightings of this car.”

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putting the map away in the glove compartment, where maps are customarily stored.

The government finds it suspicious that the occupants denied being on Abraham Court, but Fuller was unaware of any street sign that would have alerted the occupants to their presence on Abraham Court. Finally, the government finds it suspicious that dark clothing could be seen in the car. All clothing is either light or dark, and an aesthetic preference for one or the other is hardly evidence of wrongdoing.

Nothing added to nothing adds up to nothing. At best, the information available to Fuller might have made him suspicious, but it did not make it probable that the car contained evidence of criminal behavior. Since probable cause did not exist to support the seizure of the vehicle, the evidence derived from that seizure must be suppressed.

Dated: Aug 17, 2005.

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**UNITED STATES DISTRICT COURT OF THE SEVENTH DISTRICT / 2005 / 2005 U.S.  
Dist. LEXIS 37146::United States v. Young::August 30, 2005, Decided**

**UNITED STATES OF AMERICA, Plaintiff, v. PETER DANIEL YOUNG, Defendant.  
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN  
2005 US Dist LEXIS 371462005 U.S. Dist. LEXIS 37146  
98-CR-91-X-1  
August 30, 2005, Decided  
August 30, 2005, Filed**

**Counsel** For USA, Plaintiff: ROBERT A. ANDERSON, ASSISTANT U.S.  
ATTORNEY, MADISON, WI.  
For PETER DANIEL YOUNG, Defendant: T. CHRIS KELLY,  
KELLY & HABERMEHL, S.C., MADISON, WI.  
**Judges:** STEPHEN L. CROCKER, Magistrate Judge.

**UNITED STATES DISTRICT COURT OF THE SEVENTH DISTRICT / 2005 / 2005 U.S.  
Dist. LEXIS 37146::United States v. Young::August 30, 2005, Decided / Opinion**

**Opinion**

**Opinion by:** STEPHEN L. CROCKER

**ORDER**

Before the court are defendant Peter D. Young's motions to suppress evidence (dkt. 207), for a bill of particulars, (dkt. 208) and to dismiss Count 5 (dkt. 210). For the reasons stated below I am granting in part the remaining portion of the request for a bill and denying the motion to suppress and the unbriefed motion to dismiss.

**I. Bill of Particulars**

The parties have winnowed their dispute down to the identities of the unnamed coconspirators to which the conspiracy count refers. Such information still appears to be an exception to the Seventh Circuit's general antipathy towards bill of particulars. See *United States v. McAnderson*, 914 F.2d 934, 946-47 (7th Cir. 1990) (no bill necessary where government identifies the alleged co-conspirators); *United States v. Glecier*, 923 F.2d 496, 502 (7th Cir. 1991) (one reason no bill required is because government provided names of all coconspirators not identified in indictment); but see *United States v. Hernandez*, 330 F.3d 964, 975 (7th Cir. 2003) (government not required to identify juvenile coconspirators where no one knew their names but their identity otherwise was discernible from other discovery).

Here, in Count 5 (and Count 1, which has been dismissed), the government departed from the usual conspiracy charge boiler plate and did *not* claim that there were any "known" but uncharged coconspirators. The government cannot disclose information that it does not have. See *Hernandez*, 330 F.3d at 975. On the other hand, as Young notes in his reply brief, the government has responded to his motion by reporting that "the identity of many coconspirators is unknown . . ." Response of the United States, dkt. 218, at 2. What is Young to infer from this statement? Given the amorphous nature of the Animal Liberation Front and the broad wording of the background paragraphs in the indictment, it is not clear who the government believes are co-conspirators, using the legal definition of that term: the publishers of "The Final Nail"? The writers of the articles and the compilers of the farm list? People

who provided more active and direct support to Young and Samuels?

Perhaps at trial the government intends to introduce nothing more than the acts of Young and Samuel, encouraged and guided by the writings of anonymous like-thinkers. Or perhaps the government intends to prove up a more direct and active connection between the defendants and known ALF members. If it is the former, then there will be no surprises at trial. If it is the latter, then Young has a right to know what he will be facing so that he may prepare to defend against it. The government must commit to its theory; if it involves anyone's acts beyond the publication and dissemination of "The Final Nail," then the government must identify those people to Young. To that extent, I am granting Young's motion for a bill of particulars.

## **II. Motion To Suppress**

Young has alleged that local authorities violated his Fourth Amendment rights when they seized the car in which he and Justin Samuel were traveling. In 2000, Samuel filed a similar motion, and on August 4, 2000 I held an evidentiary hearing from which I found facts and recommended conclusions of law in an August 22, 2000 report and recommendation (the "RR"). On July 22, 2005, Young filed the instant motion and supplemented the record by questioning Deputy Seth Fuller at a July 27, 2005 evidentiary hearing. In considering this motion I am adopting and incorporating the facts I found in the RR, supplemented as necessary by information adduced at the July 27, 2005 hearing:

### **Facts**

Linda and Bob Zimbal own and operate a family mink farm in Oostburg, Wisconsin. The Zimbals' residence is on Wilson Lima Road, a rural road off of County Trunk A near Oostburg. The Zimbals' mink farm is about a half mile north on Abraham Court, which is parallel to Wilson Lima and also accessible from County Trunk A. Abraham Court is about a mile long and dead ends at the mink farm.

Over the past decade or so, mink farms and mink farmers have been subjected to raids by people associated with a group known as the Animal Liberation Front (ALF). ALF publishes a document entitled "The Final Nail" in which it lists the names and addresses of mink farmers, mink farms and other people involved in the fur industry. Fur farmers surmise that The Final Nail is intended to provide targets for raiders.

In response to such activities, fur farmers and their industry organizations have organized defensively. For instance, the Zimbals were part of a telephone tree through which area fur farmers would exchange current information regarding raids on fur farms. Fur farmers also obtained copies of The Final Nail to determine which farms were listed therein; prior to October 28, 1997, Linda Zimbal was aware that her residential address on Wilson Lima Road was listed in The Final Nail.

Just prior to October 28, 1997, the Zimbals learned through their telephone tree that fur farms in central Wisconsin recently had been raided in the past few days. Linda Zimbal learned that several farms in the Mishicot area had been raided and that a particular vehicle was being associated by the fur farmers with those raids: a red Geo Metro with Washington state plate 560GDO. Zimbal heard that approximately five or six other farmers had seen the Geo in the same couple of days that the phone tree was in operation in Wisconsin and at least one of the raided mink farmers had seen the car. The raids had occurred within the past week; Mishicot is about an hour's drive from Oostburg. Farmers reported that the car had been seen prior to one actual raid and had been seen at least two other times engaged in activity which they characterized as "casing" the fur farms: fur farmers reported having seen the Geo driving slowly to the mink farms, sitting in their driveways, slowly circling the perimeter of the farms. If anyone approached the car while stopped, the occupants would drive away without speaking to anyone. Zimbal was aware that at least some of the mink farms at which the Geo had been sighted were not on major highways where a lot of vehicles normally travel.<sup>1</sup>

In light of this information about recent activity in central Wisconsin, the Zimbals visited with Captain

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Rakow of the Sheboygan County Sheriff's Department on the morning of October 28, 1997. The Zimbals provided Captain Rakow with the information they had received from their telephone network, including the description of the suspect vehicle. Captain Rakow responded that if the Zimbals saw the suspect car, they should call 911 to get the police involved.

That same day, October 28, 1997, the Sheriff's Department disseminated to its patrol deputies an "Attempt To Locate" request from the FBI. The FBI's request had been sent to the attention of all law enforcement agencies in the area and referenced a "vehicle involved in unlawful releases of mink." The request asked all agencies to look for a red Geo Metro with Washington license plate 560GDO or 560DOO, which did not come back to this type of vehicle. The request advised that the Metro was occupied by two white males in their late teens to early twenties. The request reported that the vehicle had last been seen on October 27, 1997 at 1:00 p.m. at a fur farm in Kewaunee County and at 3:00 p.m. in the vicinity of a fur farm at Mishicot. The request reported that on the weekend of October 25-26, there were three illegal releases of large quantities of mink from fur farms in Tomahawk, Medford and Independence, Wisconsin, and that within the past two weeks there had been similar unlawful releases in Illinois with over \$ 800,000 worth of mink released. The FBI reported that the "above vehicle may contain excellent suspects in these and other crimes."

On the afternoon of October 28, 1997, Linda Zimbal was home washing windows. While engaged in her chore, Zimbal saw a small red car driving very slowly up Wilson Lima Road. This grabbed her attention for two reasons: no one drives slowly down that road and the car matched the general description of the suspect vehicle reported in the phone tree.

Zimbal grabbed her cellular telephone, hopped in her van, and began pursuit. Zimbal fell in behind the slow-moving westbound car and determined that it was the Geo Metro with Washington license plate 560GDO about which she had been warned. Zimbal followed the car when it turned north on County Trunk A, then turned east onto Abraham Court, the dead end where the Zimbals' mink farm was actually located. Zimbal did not follow the car down Abraham Court, but continued north and turned east onto the driveway of the next farm up the road. From this vantage point, she could see clearly down Abraham Court.

Zimbal observed the Geo travel about halfway down the road and stop. Zimbal could see two men in the car who were looking toward the farm. The passenger was holding up a large piece of paper. The location at which the car had stopped had a good view of the Zimbals' mink farm and sheds. After sitting for about two minutes, the driver turned the car around and came back out the way he had entered. Zimbal fell in behind the car again and called 911 to contact Captain Rakow.

The 911 dispatcher eventually had Sheriff's Deputy Seth Fuller telephone Zimbal on her cell phone in her van as she followed the Geo. Deputy Fuller was then an eight year veteran of the department. Earlier that day, he had been advised during roll call of the FBI's "Attempt To Locate" request. Pursuant to this request, Deputy Fuller and all of his colleagues were on the lookout for this vehicle independently of Zimbal's report.

Deputy Fuller asked Zimbal why she was following the Geo; Zimbal responded by divulging to Deputy Fuller all of the information she had regarding the previous mink releases in other locations, the sightings of the Geo near mink farms, and the activities she personally had observed that day. Zimbal remained on line with Deputy Fuller from his initial callback all the way through the ultimate police seizure of the vehicle and its occupants in Oostburg.

Toward this end, Zimbal followed the Geo into Oostburg, where she observed it pull into the parking lot of the town grocery store. The occupants of the car exited and did some dumpster diving for lunch. They then drove into a narrow side parking lot between Oostburg's hardware store and deli. Zimbal followed in her van.

About this time Deputy Fuller arrived in his squad car. Deputy Fuller parked and approached the Geo

from the front. Inside he saw two young white males who matched the description of the car's occupants provided in the FBI's attempt to locate request. As Deputy Fuller approached, the driver looked up and the passenger shoved some piece of paper into the glove box. This aroused Deputy Fuller's curiosity because he saw that the paper was an open map and that the passenger put it away so quickly and messily rather than folding it.

Deputy Fuller was able to see into the glove box: the crumpled map was partially visible to him and appeared to be very detailed. This raised suspicions to Deputy Fuller since the map appeared to contain many small, unimportant roads as compared to a general atlas. The map was specifically for the southwest area of Wisconsin, which would normally not be used by someone passing through on a state highway or interstate. Deputy Fuller also observed dark clothing, which in Deputy Fuller's opinion would have been consistent with the release of Mink: dark clothing would camouflage night movements.

Other law enforcement officers arrived on the scene. Although the preliminary introductions are not in the record, Deputy Fuller had occasion to question the two occupants of the car separately. The driver was Peter Young; the passenger was defendant Justin Samuel. Each man individually told Deputy Fuller that the two were on their way to Florida from Washington. Deputy Fuller was suspicious of this because it would not be a common route to travel down County Highways in Sheboygan County to get from Washington to Florida.

In his individual conversations with each of the men, Deputy Fuller asked if they had been near the Mink farm on Abraham Court. Each man told Deputy Fuller that he had not been on Abraham Court. It is not clear whether Abraham Court was marked with a street sign bearing the road's name. Neither man asked Deputy Fuller for any background information, for instance where Abraham Court was. Although Deputy Fuller mentioned the Mink farm in his questioning, neither man used that as a memory cue to respond to his question: each man simply denied having been near any Mink farm on Abraham Court. This further aroused Deputy Fuller's suspicions: he expected that people unfamiliar with the area, if asked whether they had been on a certain road, would respond that they might have been, but that they did not know the names of the roads or where such roads are located. Neither man did this.

About 75 minutes into the stop, the law enforcement officers decided that they would impound the Geo and apply to the circuit court for a search warrant. By then, Deputy Fuller had spoken telephonically with FBI agent Jeff Hill. Agent Hill advised Deputy Fuller that an off-duty police officer had seen this same Geo Metro in a mini-mart in Trempealeau County approximately four days prior to October 28, and that it had been seen around some other Mink farms in the Wisconsin area that had been victims of Mink releases. This information contradicted Young's and Samuel's accounts that they were "just passing through" Wisconsin on their way to Florida.

After the decision was made to impound the car, Deputy Fuller offered Young and Samuel two options: they could accompany the officers down to the sheriff's office to wait while the search was conducted or a deputy would drop them off somewhere nearby. The men chose the latter option so a state trooper drove them to a nearby mini-mart.

The circuit court did not issue the requested warrant until the following afternoon, October 29, 1997. Items of evidentiary value were seized pursuant to the warrant.

### **Analysis**

Young, like Samuel before him, claims that the authorities did not have probable cause to seize the Geo Metro and then search it. I previously found that there was probable cause for the seizure and Young has not persuaded me otherwise. Young's attempt to break apart the *gestalt* of what occurred and then individually attack the smaller pieces brings to mind the idiom of being nibbled to death by ducks. I agree with Young that there are minor discrepancies in witness accounts regarding who knew



what and when, that facts from which actors on the scene drew inculpatory inferences also were susceptible to innocent explanation, but when all is said and done, the ducks have failed: there still was probable cause supporting the seizure.

The parties agree that the law on probable cause has not changed significantly, so there is no need to update the citations from the RR, although I have added some additional citations to clarify how little evidence it takes to establish probable cause. Indeed, in the past five years the Court of Appeals for the Seventh Circuit has reduced the quantum of evidence necessary to establish reasonable suspicion and probable cause. See, e.g., *United States v. Muriel*, 418 F.3d 720, WL , Case No. 04-3968 slip. At 2-3 (7th Cir. 2005) (court accepts without comment officer's claim that during traffic stop his suspicions were aroused by "three police support decals affixed to the windows, a teddy bear on the dashboard and an American flag on the front of the vehicle" because such items "are used to divert attention from illicit activity"); cf. *United States v. Olson*, 408 F.3d 366, 371-72 (7th Cir. 2005) ("slight" corroboration of informant sufficient to establish probable cause supporting warrant); *United States v. Mykytiuk*, 402 F.3d 773, 776 (7th Cir. 2005) (appellate court chooses not to second guess district court's determination that warrant lacked probable cause but hints that it would have held otherwise).

As noted in the RR, the Geo was parked in a public lot when Deputy Fuller first approached it. Even if it had not been, Deputy Fuller *at least* possessed a reasonable suspicion of criminal activity that would have justified an investigative stop pursuant to *Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968) . So, from the outset, Deputy Fuller was entitled briefly to detain Young, Samuel and their car if he had a reasonable, articulable suspicion that they had been involved in criminal activity, or that the Geo contained evidence of criminal activity. See, e.g., *United States v. Griffin*, 150 F.3d 778, 782-83 . Here, the FBI's Attempt To Locate request, coupled with Zimbal's telephonic report, amply supported Deputy Fuller's initial encounter with the men.

Young challenges Zimbal's report as ambiguous, conclusory and based on secondhand information. But **Zimbal** actually provided the police with broad, deep and specific background information, that, even shorn of conclusory word choice, provided a nexus between the Geo to the farm attacks that had occurred when the car was observed nearby. To the extent that **Zimbal** was passing along what other people had told her, this hardly made her report suspect. Her information source was fellow farmers motivated to identify accurately their attackers so that they could be stopped. As just noted, the FBI had done whatever quantum of investigation it deemed necessary to issue an Attempt To Locate request, which dovetailed Zimbal's information.

Young questions the value of the FBI's request, noting that it reports activity that encompasses most of the state of Wisconsin and that it does not tie the Geo to the attacks. This is partially true and virtually irrelevant. As fur farms were attacked across this geographically vast state, the same red Geo with misappropriated Washington plates more than once was spotted in the area over a several day period. Mere coincidence? Common sense and logic suggested otherwise. Hence, the request to track down the vehicle to allow further investigation.

Within minutes, Deputy Fuller's powerful suspicions definitely ripened into probable cause supporting a full search. Probable cause exists if, given the totality of the circumstances, there is a fair probability that contraband or evidence of a crime will be found in a particular place. See *United States v. Ledford*, 218 F.3d 684, 687 (7th Cir. 2000) . In making this determination, police may draw inferences based on their own experience. *United States v. Faison*, 195 F.3d 890, 893 (7th Cir. 2000) . A probable cause determination, by definition, is based on probabilities and need not rise to the level of a virtual certainty. *Id.* "Probable cause requires only a probability or a substantial chance of criminal activity, not an actual showing of such activity." *United States v. Roth*, 201 F.3d 888, 893 (7th Cir. 2000) , quoting *Illinois v. Gates*, 462 U.S. 213, 244, 103 S. Ct. 2317, 76 L. Ed. 2d 527 (1983) ; see also *United States v. Ramirez*, 112 F.3d 849, 851-52 (7th Cir. 1997) ("all that is required for a lawful search is *probable* cause to believe that the search will turn up evidence or fruits of crime, not

certainty that it will") (emphasis in original). Although people often use "probable" to mean "more likely than not," probable cause does not require a showing that an event is more than 50% likely. See *United States v. Garcia*, 179 F.3d 265, 269 (5th Cir. 1999) ; see also *Edmond v. Goldsmith*, 183 F.3d 659, 669 (7th Cir. 1999) (Easterbrook, J., dissenting) (probable cause exists somewhere below the 50% threshold).

If an officer has probable cause to search a car, then he may do so without a warrant. See *Ledford*, 218 F.3d at 687 . If, however, the police decide to apply for a warrant, they may forego an immediate search and hold the automobile for a reasonable period of time while they prepare their paperwork. *United States v. Griffin*, 150 F.3d 778, 784 (7th Cir. 1998) (it is reasonable to hold a vehicle for six hours while obtaining a warrant to search it); *United States v. Hall*, 142 F.3d 988, 994 (7th Cir. 1998) (one-day temporary detention of a computer to inspect its hard drive was reasonable).<sup>2</sup>

Deputy Fuller knew before even approaching the Geo that other people had linked it to several mink releases in Central Wisconsin within the past four days. True, it was not clear to Deputy Fuller (or anyone on the scene) whether the Geo had been seen speeding from a fresh release in the dead of the night with wire cutters dangling from the window, but according to Zimbal's phone tree, fur farmers had been seen this very car casing numerous mink farms in a three-county area, at least one of which had been attacked. Additionally according to the FBI's transmission, over the weekend of October 25-26, while the Geo was meandering across Central Wisconsin's back roads, three illegal mink releases occurred. Within two hours on October 27, the same Geo had been seen in the vicinity of two different mink farms. Then, **Zimbal** saw and reported the vehicle casing her farm in Oostburg. "Casing" is a fair and accurate verb based on what **Zimbal** saw and reported, and Deputy Fuller, as a veteran patrol deputy, was entitled to accept her representations on this point. One could argue with some merit that these facts alone provided probable cause to search the Geo.

Keep in mind that the question is not whether Deputy Fuller had probable cause to arrest Young and Samuel—although he may well have—but whether it was reasonable for Deputy Fuller to conclude simply that there was a fair probability that evidence of the crimes would be found in the Geo. It would not matter if Deputy Fuller was correct in this belief, only whether it was reasonable for him to reach this conclusion. See, e.g., *United States v. Cashman*, 216 F.3d 582, 587 (7th Cir. 2000) (stop was legal if trooper reasonably believed the car's windshield was cracked to an impermissible degree, even if it wasn't actually impermissibly cracked). Given the multiple sightings of this specific car near so many mink farms in such a concentrated area over a continuous several day period—including a drive-by in Oostburg twenty five minutes before Deputy Fuller approached the car—and given that at least one of those mink farms had been raided, it was more than a mere hunch or assumption for Deputy Fuller to conclude that probably there was evidence in the Geo relating to illegal fur farm attacks. Perhaps Deputy Fuller could not specify *what* evidence he would find, but it was probable that he would find *something*, be it wirecutters, a diary, a marked map, dark clothing, or some other evidence of the crime.

But there was more: upon approaching the Geo, Deputy Fuller observed two occupants who matched the FBI's description of the occupants previously observed in the car. Samuel aroused suspicions by quickly and messily shoving his detailed area map into the glove box upon Deputy Fuller's approach. Deputy Fuller still was able to discern the nature of this map which could be viewed as the figurative smoking gun: while not contraband in and of itself, such a detailed map probably was direct evidence of the crimes under investigation. It would be fair for Deputy Fuller to infer that the map would include the geographic areas at which the cased or vandalized mink farms were located; it would be reasonable for Deputy Fuller to conclude that such a map might also be marked to show exact fur farm locations.<sup>3</sup> Additionally, Deputy Fuller saw dark clothing in the car, which he surmised could be used to camouflage night maneuvers. This observation by itself was not compelling to the probable cause analysis, but it had *some* evidentiary value. To the same effect, the clothes themselves properly could be viewed as possible evidence of the suspected crimes and thus subject to seizure.

Young challenges the evidentiary value of the map and the clothing to no avail. Yes, some people prefer "blue highways,"<sup>4</sup> and everybody in America probably owns some dark clothing. According to Young, it was just as likely that he was a camper as a saboteur. But how many days would even the most unhurried camper in America spend traversing Wisconsin while motoring cross-continent in a Geo? It defies credulity. Regardless, the fact that Young can hypothesize possible innocent explanations for some of the evidence does not bar Deputy Fuller from considering this evidence as parts of a totality and then drawing reasonable inculpatory conclusions therefrom. *United States v. Scott*, 19 F.3d 1238, 1242-43 (7th Cir. 1994). Locals had seen this Geo cruising near mink farms, which most easily could be located by using such a map. When Young and Daniel saw Deputy Fuller approaching, they hurriedly stuffed the unfolded map into the glovebox. In isolation, any of the facts known to Deputy Fuller can be explained away; in their totality, these facts clearly establish probable cause to search the Geo.

Finally, in response to Deputy Fuller's specific inquiry, both men unhesitatingly denied having been near any mink farm on Abraham Court. This was unwise: first, Deputy Fuller knew this to be untrue; second, Deputy Fuller reasonably expected that a guileless traveler would have been more circumspect regarding the specifics of his travels through unfamiliar parts. Young argues that, absent proof that there was a street sign on Abraham Court, it is unfair to surmise that his denial was knowingly false. That may be true as far as it goes, but that's not very far: as the government rejoins, if Young didn't know where he *had* been, how could he be so cocksure of where he *hadn't*? It is a minor point in the probable cause calculus, but it whatever heft it has weighs against Young, not for him.

In sum, notwithstanding Young's current challenges, there was more than enough direct and circumstantial evidence to establish probable cause that the Geo contained evidence of illegal mink releases. This isn't a case of "nothing added to nothing," but a series of small to mid-sized "somethings" coalescing into probable cause. Young is not entitled to suppression of any evidence seized from the Geo or derived from the search.

### III. Dismissing Count 5

Young filed a motion to dismiss Count 5 pursuant to F.R.Cr.P. 7(c)(1) because the grand jury failed to cite to the charging statute. Young acknowledged that Count 5 appeared to charge him with conspiracy but claimed, unconvincingly, that he wasn't sure of this and his uncertainty affected his ability to defend himself. Perhaps in recognition of the merits of this motion, Young declined to brief it, which constitutes a waiver of his claim. *See United States v. Stevens*, 380 F.3d 1021, 1024-25 (7th Cir. 2004) .

In any event, dismissal is not warranted: courts review violations of Rule 7(c)(1) for prejudice, and here the failure to cite 18 U.S.C. § 371 was harmless. *Cf. United States v. All Assets and Equipment*, 58 F.3d 1181, 1184 n.2 (7th Cir. 1995) (incorrect citation to charging statute not grounds for dismissal if harmless). Here, the indictment contains the elements of the offense charged, fairly informs Young of the nature of the charge against which he must defend (particularly as amplified by the back-and-forth on Young's request for a bill of particulars), and enables him to plead an acquittal or conviction in bar of future prosecutions for the same offense. This is enough. *See United States v. Webster*, 125 F.3d 1024, 1029 (7th Cir. 1997) .

#### ORDER

It is ORDERED that:

- 1) Defendant Peter D. Young's motion for a bill of particulars is granted in part and denied in part as stated above;
- 2) Defendant's motion to suppress evidence is denied; and
- 3) Defendant's motion to dismiss Count 5 is denied.

Entered this 30th day of August, 2005.

BY THE COURT:

/s/

STEPHEN L. CROCKER

Magistrate Judge

**UNITED STATES DISTRICT COURT OF THE SEVENTH DISTRICT / 2005 / 2005 U.S.  
Dist. LEXIS 37146::United States v. Young::August 30, 2005, Decided / Footnotes**

#### Footnotes

#### Footnotes

1 Young now labels Zimbal's testimony ambiguous, conclusory and based on second hand-information. Brief in Support, dkt. 2 17, at 2. Young's first two characterizations are incorrect. The third is only partially correct and was self-evident at the time.

2 In seeking suppression, co-defendant Samuel had argued that the one-day delay between seizure of the Geo and the issuance of the search warrant was unreasonable. The case law holds to the contrary. In any event, the exclusionary rule would offer no remedy: the police could had searched the car at the scene and found the incriminating evidence sooner, rather than later. The police should not be punished for trying to be more sensitive to the defendants' Fourth Amendment rights than the law required.

3 I have not seen the map, so I do not know whether it actually has evidentiary value. My point is that these would have been valid inferences for Deputy Fuller to have drawn on the scene.

4 Near the time that William Least Heat-Moon published his book "Blue Highways," British punk rocker Billy Idol released his song "Blue Highway." Mere coincidence or evidence of a trans-Atlantic conspiracy? Young would endorse the former, the government the latter, or at least would investigate further before committing . . .

**UNITED STATES DISTRICT COURT OF THE SEVENTH DISTRICT / 2005 / 2005 U.S.  
Dist. LEXIS 37044::Lewis v. Milwaukee Police Dep't::August 30, 2005, Decided**

**2005 U.S. Dist. LEXIS 37044::Lewis v. Milwaukee Police Dep't::August 30, 2005, Decided**

2005001752

STATE OF SOUTH DAKOTA  
SS

COUNTY OF CODINGTON

\*\*\*\*\*

STATE OF SOUTH DAKOTA,  
Plaintiff,

IN CIRCUIT COURT

THIRD JUDICIAL CIRCUIT

14C05000956AO

vs.

WARRANT OF ARREST

Peter Daniel Young,  
SSN: \_\_\_\_\_  
DOB: June 26, 1977  
Wisconsin Federal Prison

Defendant.

\*\*\*\*\*

TO ANY LAW ENFORCEMENT OFFICER:

A Complaint having been this date laid before me accusing the above-named Defendant thereof, of the following crimes:

1. Animal Facility Trespass (SDCL 40-38-2 (1,2,3,4,5 and 6), 40-38-3, & 22-6-1(8))
2. Burglary, 3rd Degree (SDCL 22-32-8 & 22-6-1(6))
2. Intentional Damage to Property - 1st Degree (Over \$500.00) (SDCL 22-34-1 & 22-6-1(6))

You are therefore commanded forthwith to arrest the above-named Peter Daniel Young and bring said individual before me to the Courtroom of the Codington County Magistrate Court, or in the case of my absence or inability to act, before the nearest or most accessible Magistrate.

Bond in the above-entitled matter shall be set in the sum of Five Thousand Dollars and No Cents (\$5000.00) cash or surety.

The warrant of Arrest may be served:

BJM

At any time of the day or night.

\_\_\_\_\_

Only during the daytime (8:01 a.m. to 7:59 p.m.).

Dated this date December 22, 2005 at Watertown, Codington County, South Dakota.

State of South Dakota }  
County of Codington }

I hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears on record in my office.

[Signature]  
Codington County Clerk of Courts / Deputy

Billie Jo Meyer, Deputy  
CIRCUIT COURT JUDGE/MAGISTRATE



STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:SS

COUNTY OF CODINGTON

THIRD JUDICIAL CIRCUIT

\*\*\*\*\*

STATE OF SOUTH DAKOTA,  
Plaintiff

# 05-0956

COMPLAINT

vs.

1. Animal Facility Trespass  
(SDCL 40-38-2 (1,2,3,4,5, and 6), 40-38-3, & 22-6-1(8))
2. Burglary, 3rd Degree  
(SDCL 22-32-8 & 22-6-1(6))
3. Intentional Damage to Property - 1st  
Degree (Over \$500.00)  
(SDCL 22-34-1 & 22-6-1(6))

PETER DANIEL YOUNG  
Date of Birth: June 26, 1977  
Defendant.

\*\*\*\*\*

The undersigned being first duly sworn upon oath charges:

COUNT I

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of ANIMAL ENTERPRISE TRESPASS (SDCL 40-38-2(1, 2, 3, 4, 5, and 6), 40-38-3, & 22-6-1(8)) in that he did without consent of the owners intentionally damaged an animal or property in or on the animal facility or obstruct any enterprise conducted at the animal facility; or did acquire or otherwise exercise control over an animal facility or an animal or other property from an animal facility with the intent to deprive the owner or to obstruct the enterprise conducted at the facility; or did enter an animal facility, not then open to the public, with intent to commit any act prohibited; or did enter an animal facility remain concealed with intent to commit any act prohibited; or did enter an animal facility and commit or attempt to commit any act prohibited; or did intentionally turn out or release any animal in or on an animal facility; to-wit, Turbak Mink Ranch, rural Codington County, South Dakota in an amount of damage exceeding Five Hundred Dollars (\$500.00).

COUNT II

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of BURGLARY - THIRD DEGREE (SDCL 22-32-8 & 22-6-1(6)) in that said individual did enter or remain in an unoccupied structure with intent to commit a crime therein; to-wit: Turbak Mink Ranch, rural Codington County South Dakota, to commit intentional damage to property and release of the animals housed therein;

COUNT III

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of INTENTIONAL DAMAGE TO PROPERTY - FIRST DEGREE (SDCL 22-34-1 & 22-6-1(6)) in that said individual did intentionally cause damage in an amount of more than \$500.00, to property owned by another, without the owner's consent: to-wit: an animal housing facility owned by Eric M. Turbak and Kathleen A. Turbak, dba: Turbak Mink Ranch, Kranzburg, South Dakota;

contrary to the statute in such case made and provided against the peace and dignity of the State of South Dakota.

Based upon the Officer's report.

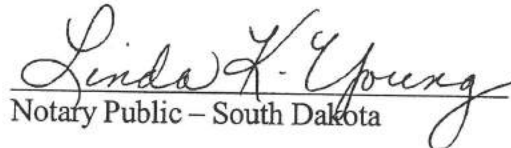
Dated this date, December 21, 2005

  
Complainant  
Office of State's Attorney

Subscribed and sworn to before me this date, December 21, 2005.

(SEAL)

MY COMMISSION EXPIRES: 04/12/08

  
Notary Public - South Dakota

STATE OF SOUTH DAKOTA  
Third Judicial Circuit Court  
I hereby certify that the foregoing instrument  
is a true and correct copy of the original as the  
same appears on file in my office on this date:

SEP 29 2006

Connie Hartley  
Codington County Clerk of Courts

By 

**FILED**

DEC 22 2005

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM  
3RD CIRCUIT CLERK OF COURT

By \_\_\_\_\_

COPY

Chris  
FYI

PLEA PROFFER US v. Young

1. Elements

COUNT FIVE

That On or about Oct 17-29, 1997,

1. D knowingly and intentionally  
Conspired and agreed with Justin Clayton Samuel  
And other persons unknown
- 2 To travel in interstate commerce for the purpose of causing physical  
disruption and damage to the functioning of animal enterprises
3. Resulting in losses to the enterprises of more than \$10,000.

COUNT SIX

That on or about Oct 26, 1997,

1. D, having traveled in interstate commerce for the purpose of disrupting  
an animal enterprise
- 2 Did intentionally cause physical disruption and economic harm to the  
Dittrich Minkery of Medford, WI
- 3 resulting in economic loss of more than \$10,000

As to proof of their interstate travel - for the purpose of causing disruption

The gov. would present testimony of

Kathy Turbak of the Turbak Mink Ranch in Watertown SD.

She would testify that on or about October 16, 1997 their mink farm in South Dakota was attacked, resulting in the release of 2,400 mink. She would testify that fences surrounding the farm were cut, using some form of tool; cages were opened, releasing the mink, and about 1/4 of the mink released were not recovered, resulting in a losses in excess of \$10,000.



Special Agent Mike Grahm of the FBI in SD would testify that in investigating the attack, he took wire samples from the fence in the areas where they were cut by the tools that were suspected and sent those wire samples to the FBI Crime Lab.

Det Ron Corcoran of the Trempealeau Co SD - Would testify that on Oct. 23, 1997, he observed Young and Samuel and their Geo Metro with Washington license plates in Galesville, WI. Two days later he took wire samples from the site of a farm attack in Independence Wisc which were turned over to the FBI Lab.

Tom Olson of the Smieja Fur Farm - Would testify that On or about Oct 25 in the early morning hours, the Smieja farm in Independence Wisconsin was attacked. The fence was cut along the west side of the mink barn and nearly 800 Blue Iris Mink were released from four cages, of which 104 mink were never recovered. He would testify that the attack resulted in more than \$10,000 in loss to the Smieja farm.

Ron Dittrich of the Dittrich Minkery in Medford, WI (WD) would testify (as to counts 5 and 6) that in the early morning hours of October 26, 1997, the Dittrich Minery was attacked, when perpetrators trespassed onto the Dittrich Farm, cut and knocked down 400 feet of fence and released 2,500 mink from the farm owned by his family. Three hundred mink went unrecovered for a losses well beyond \$10,000.

Retired Special Agent Ed Bruner of the formerly of the FBI office in Wausau WI, would testify that he collected wire samples from the site of the Dittrich farm attack and sent them to the FBI lab

Alex Ott of the Ott Mink Farm near Tomahawk, WI would also testify that on Oct 26, 1997, his farm was attacked when perpetrators trespassed on his farm property, opened a gate to a perimeter fence on his farm and then released over 350 mink from 350 mink pens, some of which had more than one mink. He would testify that about 70 of his mink were unrecovered, causing more than \$10,000 in loss to his farm

Deputy Seth Fuller of the Sheboygan County SD - would testify that on October 28, 1997 a red Geo Metro with State of Washington plates that had been sighted by multiple fur farmers in and around farms in the Sheboygan area , and had also by information from the fur famer's calling network, been sighted in areas of the state where earlier mink releases had taken place, was stopped by him in Oostburg Wisconsin. The two occupants were identified as Peter Daniel Young, the D, and Justin Clayton Samuel.

This evidence would prove that :

Young and Samuel conspired to and did

Travel in interstate commerce

The purpose of their travel was to disrupt animal enterprises  
(Specifically the fur farm involved)

That they did, in fact, disrupt and cause damage to the farms

AS to Count 6 they specifically disrupted and damaged the Dittrich Mink  
farm causing more than \$10,000 in damage

This would prove the elements of the charges BRD



Det Konrad Kaczowski of the Sheboygan Co SD - Would testify that a search of the Red Geo Metro revealed

- detailed local maps of rural Wisconsin, including the areas in which previous mink releases had occurred
- Dark clothing, including dirt covered overalls
- ski masks
- flashlights
- an Animal Liberation Front fur farm target list, from a document known as "The Final Nail"
- a subscription form to a publication known as "No Compromise" - an animal liberation advocacy paper
- Bolt cutters and other pinching type tools
- Animal liberation stickers

Steven Casper, FBI crime lab tool mark identification analyst,-

Would testify to his background and qualifications as a Tool Mark identification expert with the crime lab. He would testify that he received the wire cutting samples taken from the sites of the attacks previously mentioned and the bolt cutters and tools taken from Young and Samuel's red Geo Metro by the Sheriff's Dept.


Mr. Casper would testify that he tested/compared the wire samples to the impressions/ marks left by the bolt cutter and tools, and identified a positive match. The bolt cutters and tools possessed by Young and Samuel had been used to cut the wire at the site of the farm attacks on the Turbak, Smieja and Dittrich farms.

Finally, to confirm all the evidence above, the Gov. would have the testimony of Justin Samuel:

Samuel would testify that he and Young planned to and did drive through various states in the Midwest, including Wisconsin, trespassed onto the farms, cut down fences and released mink from the farms.

He would testify that their intent was to (1) free the mink and (2) disrupt the mink farm operation, causing economic harm as a disincentive to operating the mink farm.

## WARRANT FOR ARREST

United States District Court		DISTRICT WESTERN DISTRICT OF WISCONSIN	
United States of America  v.  Peter Daniel Young,  Defendant.		DOCKET NO.  98-CR-91-S	MAGISTRATE JUDGE CASE NO.
		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED:  Peter Daniel Young 760 76th Avenue S.E. Mercer Island, WA	
Warrant issued on the Basis of:		05 70309 PVT	
<input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Order of Court <input type="checkbox"/> Information <input type="checkbox"/> Complaint			
TO: Any Authorized Law Enforcement Officer.			
District of Arrest:		City:	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES			
Interference with commerce by threats or violence (18 USC §1951) Animal Enterprise Terrorism (18 USC §43)			
IN VIOLATION OF Title 18 U.S.C. Sections 1951; 2; and 43(a)			
Bail: DETENTION REQUESTED BY THE UNITED STATES ATTORNEY'S OFFICE			
Other Conditions of Release:			
Ordered BY:		Federal Judge/Magistrate Judge	Date Order:
Clerk: JOSEPH W. SKUPNIEWITZ		(By) Deputy Clerk: 	Date Issued: SEP 18 1998
RETURN			
This Warrant was received and executed with the arrest of the above-named person.			
Date Received:		Date Executed:	
Name and Title of Arresting Officer:		Signature of Arresting Officer:	



3863 Maple Grove Dr.  
Madison, WI 53719

Barbara Williams  
Victim Witness Coordinator  
6660 W. Washington Ave, #303  
Madison, WI 53701-1585

53703-4703



21 OCT  
2005

PM

ROBERT PENN WARREN

37

FAX 608 264 5054

7:00 PM

Mr. Maria Zimbal  
2705 University Ave Apt 17 ADC  
Madison, WI 53705



BARBARA WILLIAMS  
VICTIMS WITNESS COORDINATOR  
600 N. WASHINGTON AVE # 303  
MADISON, WI 53701-1585

53703-4703

Madison, WI 53703-4703



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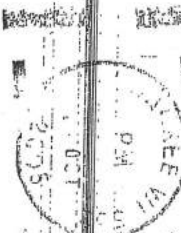
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U.S. A  
MAD

53703-4703

Barbara Williams  
Victim Witness Coordinator  
660 West Washington Ave. # 303  
Madison, WI 53701-1585

Mr. & Mrs. Robert Zambel  
6090 Wisconsin Ave. Rd  
Oostburg, WI 53070-1973





FROM :

FAX NO. :

Oct. 27 2000 08:08AM P1

ATTN: Bob Anderson

Chuck Lodder Fur Farm

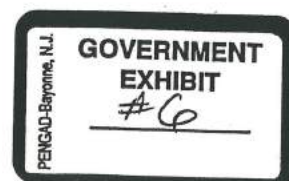
Fax # 801-546-2676

The Olsen's purchased  
50 Blue Tris Mink for  
a total of \$10,000 in 1997

Chuck Lodder

Approximately 40-45% of the mink  
that were released could have been  
sold for breeding stock. Hope this  
information helps.

Tom



*cc: Bob's probation*

**CIRCLE K FUR FARM**  
32996 Fox Avenue  
Sioux City, Iowa 51108

October 21, 2005

**CONFIDENTIAL**

The Honorable Judge  
Magistrate Judge  
United States District Court  
120 N. Henry Street  
Madison, WI 53701

RE: **VICTIM IMPACT STATEMENT**  
**UNITED STATES v. PETER DANIEL YOUNG**  
**USDA CASE# 1997R00299**  
**COURT DOCKED #98-CR0091-X**

**VICTIM WITNESS**

Dear Judge:

I am a fur farmer who has been in the fur business for over 25 years. I am self-employed and my business is the sole source of income for providing for my wife and child. Over the years I have generally raised about 5,000 mink and 100 foxes per year. At all times my farm has been in compliance with the U.S.D.A. and the Fur Commission USA standards for animal care and housing.

On Saturday, October 18, 1997, I was awakened by a phone call at 5:30 A.M. informing me that mink were "running all over the place." I raced out of my house and mink were coming out of the ditches from every direction. It was immediately obvious to me that the ALF had struck. I then called everyone I knew to help assist in catching the mink. Approximately 50 people arrived over the next few hours. As daybreak occurred, I could see the true impact. Every single door to mink was opened and every fox cage that could not be opened was cut open. Many mink refused to leave their known homes and remained housed while the doors were closed back up. Many other mink, however, ran out of their homes. This sudden change of environment threw many in shock and a slow death. I found many other mink to be fighting each other until death, leaving mangled flesh, blood, and fur everywhere.

The roads nearby were covered with dead and partially run over mink due to cars striking them. These mink were led unto their death and suffering by being drawn towards car noises which they mistakenly believed were motorized feeding carts. Other mink ran to nearby houses and farms and got into chicken coops, killing most of the chickens, not to mention many geese and ducks. The farmers that heard all the commotion were forced to save their livestock by shooting and killing these mink. These animals continued to turn up over the next weeks. They arrived very thin and malnourished but yet refused to eat. They were so traumatized that they could not function to the point I had to put them to sleep or they died through the night. I responded to all call, 24 hours a day, regardless whether the caller indicated the mink was alive or dead. Many calls came from the Sioux City Police



Department. I spent two weeks catching mink on only 2 hours of sleep per night.

These cruel, criminal acts of Young and Samuel and other conspirators resulted in the release of 5,00 mink, of which **1,300 mink perished**, 100 fox of which **25 perished**, the loss of all breeding records, and approximately 500 feet of fence in two separate housing yards. The combined total loss is **\$310,000** of which only \$50,000 was covered by insurance.

Given the layout of my two farmyards and the great number of animals, it is clear to me that my farm was under surveillance before the terrorist attack. It is also obvious that this was the work of numerous terrorists of the group, not just Defendants Samuel and Young. In my opinion, there must have been between 5 and 10 terrorists participated to get all this damage accomplished in one short night before the first alert.

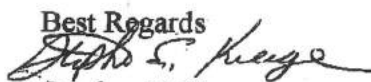
Young's terrorism has been a terror indeed to my wife and son who was 7 at the time. My son lost much focus and concentration, his grades slipped and he to this day is still feeling victimized due to continued reign of terror by the ALF. For example we received a letter in the summer of 1999 which contained a razor blade and the words "get out of business or you will pay the consequences." We now must screen all mail for letter bombs and any other form of maiming device.

According to the FBI, Young struck a fur farm in Watertown, SD, the night before he hit my farm. Watertown is 3.5 hours away from my farm. My farm was then struck. Three days later Samuel got his vehicle stuck along a county gravel road close to a mink farm in Cherokee, Iowa. A tow truck driver can confirm Young's presence there. Cherokee is about 40 miles from my farm. The exact same modus operandi was used in all these attacks according to the FBI. FBI Special Agent George Strong told me that Samuel recalls a farmyard on a hill with a house below it. That matches my farm's description, as the farm lies on a big loess hill. Samuel is claiming "I can't remember" as to my farm, so I sent US Attorney Bob Anderson photos and a description of my farm in the year 2000.

I am still a victim without recourse to date because the crimes of Young for terrorizing and vandalizing my farm have gone unpunished. I must now maintain constant watch and sleepless night for ALF thugs. ALF claimed immediate credit for all these farms as soon as these were struck. They struck again exactly one week after learning Samuels plea bargained in federal court, with ALF criminals terrorizing 14,000 mink in eastern Iowa.

Recently Young expressed to the associated press he would do it all over again. I respectfully request that you send the strongest message possible to this ALF terrorist group by sentencing Young to the maximum allowed by guidelines

Best Regards



Stephen E. Krage

**UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN**

**Declaration of Victim Losses**

UNITED STATES OF AMERICA	)	
	)	
	)	
v.	)	Case No. 00-0078M-X-01
	)	
JUSTIN CLAYTON SAMUEL	)	

I, Josephine Smieja of the ~~Independ~~<sup>ence</sup> Fur Farm, W22955 State Road 121, Independence, in the State of Wisconsin, am a victim in the above referenced case.

Of the total number of Blue Iris mink released from the 358 cages at the Smieja farm in October, 1997, approximately 322 of those mink would have been used for breeding further mink. Also, the mink kept in the separate section of 30 cages released contained a male and female each. These 60 mink had been segregated for use as breeders. All of these breeder mink had a greater value than the price obtained for their pelts. In 1997 when our farm purchased 50 Blue Iris breeder mink, we paid \$10,000.00 or \$200.00 per mink.

I declare under penalty of perjury that the foregoing is true and correct.

  
JOSEPHINE SMIEJA

Executed on  
2nd day of November, 2000.



October 26, 2005

2705 University Ave #17  
Madison WI 53705

Barbara Williams,  
Victim Witness Coordinator  
660 West Washington Avenue, #303  
Madison, WI 53701-1585

Dear Ms Williams,

I am writing to comment on the case of Peter Young. He is a danger to society and should receive the maximum sentence allowed. He is involved in a movement to hurt and financially destroy honest, hard-working citizens who are trying to make an honest living by raising animals.

I am a child of one of the groups Mr. Young is against. I grew up on a fur farm and began seeing the effects of animal right activist early in life. I became accustomed to being verbally attacked and to being constantly aware of suspicious activity surrounding our house and farm. I took for granted that nobody else had to be so cautious. It is wrong that normal, law-abiding citizens have to constantly watch their backs for animal rights activists. It is wrong that these people take the law into their own hands because they disagree with the occupation of others.

I am a student at the University of Wisconsin-Madison and see many instances of disagreements over philosophical issues. I have witnessed many protests and other political debates. These protests differ greatly from those carried out by animal rights activists such as Mr. Young. Mr. Young and his colleagues personally attack their opponents and will stop at nothing to hinder the farmer's right to make an honest living.

Finally Mr. Young deserves the full sentence for which is being tried for because of his blatant defiance. He left the country to avoid being tried and being convicted. Once caught, he has shown no remorse and even admitted that he will strike again. Criminals like Mr. Young should be punished to the full extent and made to regret their decision to commit crime. I encourage you to punish Mr. Young with the full sentence.

Sincerely,

*Marla Zimbal*  
Marla Zimbal

*cc Bob  
probation*



3863 Maple Grove Dr.  
Madison, WI 53719

Barbara Williams  
Victim Witness Coordinator  
660 West Washington Avenue, #303  
Madison, WI 53701-1585  
(608)264-5158

**VICTIM WITNESS**

Dear Ms. Williams

As a concerned citizen of the state Wisconsin I feel an obligation to express my disappointment in the way the Peter Young trial has been handled. To say the least, this is an individual who has benefited from fleeing law enforcement and is now publicly stating that he would commit the very same crimes again. In this instance what is the law doing to prevent these types of incidents from reoccurring?

This is not an individual who commits an occasional crime. He (and the organization he has been linked to: ALF) have been defined as terrorists. Their goal is to ruin the livelihoods of farmers who have been in business for generations. The simple fact that he disagrees with these farmer's moral beliefs does not give him the right to terrorize and sabotage a family's livelihood. The crimes that Mr. Young committed were premeditated and intended to cause direct harm to a business that is completely lawful. If these businesses are unable to seek protection from the law in instances like this, family farms in Wisconsin and America are in trouble.

The fact that Mr. Young will only receive two years in prison is appalling. He publicly mocked the court system with an Associated Press article, stating that he is proud of his actions and that he would do it again. This is an individual who has committed several felonies, fled the federal government, and was then arrested for committing another crime. Why would anyone like this be given the opportunity for a plea bargain? This is a person who has and will break the law again in order to advance his social agenda. Please give him the penalty that he deserves.

Thank you,

*Chris Wolfert*

Chris Wolfert

cc: Probation  
Bob  
Steve &

Oct. 18, 2005

Dear Ms. Williams,

I am writing this letter objecting to the plea agreement reached between Peter Young and the federal government. As a third generation fur farmer I can't tell you how much this family business means to me and my family. This individual did tremendous damage to many people in the fur business, and shows no remorse for what he has done.

In the interviews Mr. Young has given since his arrest he has indicated that he will return to doing the same things once released. I just can't understand how he could only receive two years for the crimes he committed.

I don't know if writing this letter will do any good, but I felt it was important for you to hear from a family that is involved in the fur business. It is hard enough to make a living in this line of work. Having to constantly watch my property making sure someone is not breaking in really takes its toll.

Hopefully Mr. Young will receive the maximum sentence; unfortunately it won't correspond to the pain he has inflicted. Thank you for your time.

Dennis and Jill Preissner

*Dennis & Jill Preissner*

**VICTIM WITNESS**

*10-21-05  
cc: Bob  
P4P*

*cc: Steve*



D. Prissner  
N252 City A  
New Holstein, WI 53061

Barbara Williams, Victim Witness Coordinator  
660 West Washington Avenue, #303  
Madison, WI 53701-1585



53703-4703

Roesler Brothers' Fur Farm  
PO Box 169  
Startup, WA 98293

Barbara Williams, Victim Witness Coordinator  
660 West Washington Avenue #307  
Madison, WI 53701-1585  
608-264-5158 or 888-415-9821

Oct 18, 2005

Ms. Williams:

We would like to express our disappointment in the short sentence Peter Young is set to receive. He has tried to ruin several family farms and attempted to scare & intimidate an industry, with out any remorse. This type of behavior warrants a stiff sentence.

Mr. Young showed his true nature by the way that he was caught; it was just plain theft that was his downfall. In addition, he has been very clear that his behavior will not change. The court needs to send a strong message that we, as a society, will not tolerate strong-arm tactics now any more than we did in the age of the mob. While it is arguable that the word "terrorism" is overused, this is the goal of the likes of Mr. Young.

As a target of this type of crime, it is our hope that the court will take a strong stand by handing out a long sentence.

Thank you,

Brad Roesler  
Kate Roesler

cc: solve



# Fur Commission USA

PMB #506, 826 Orange Avenue  
Coronado, CA 92118-2698 USA  
(619) 575-0139; (619) 575-6578/fax

furfarmers@aol.com; www.furcommission.com

October 14, 2005

Ms. Barbara Williams  
Victim Witness Coordinator  
660 West Washington Avenue, #303  
Madison, WI 53701-1585

RE: PETER YOUNG: Victim Impact Statement and Formal Objection to Proposed  
Settlement Agreement

Dear Ms. Williams:

On behalf of U.S. fur farmers in 28 states including Wisconsin, Fur Commission USA  
lodges a formal objection to the proposed sentencing agreement for Peter Young.

While we understand that the court is hampered by the old Animal Enterprise Protection  
Act which was weak in its sentencing guidelines (the reason it has since been updated and  
strengthened), Peter Young was guilty of other crimes beyond those in the Animal  
Enterprise Protection Act (shoplifting, resisting arrest, using a false identity, etc, etc) While  
the court has been asked to dismiss all the various charges against Peter Young, we  
believe this to be a mistake. Peter Young should be prosecuted fully on every single count.

The Associated Press reported (October 6): "Peter Daniel Young, an idol to animal rights  
activists after he eluded federal authorities for seven years, told The Associated Press in  
an interview from jail he believes he saved the minks from slavery. 'I would do it all over  
again,' [Young] said."

Peter Young expresses absolutely no remorse for his crime spree, which terrorized  
farming families across the country, resulted in trauma to the farmers' livestock, damages  
of hundreds of thousands of dollars and uncounted losses to breeding records. We ask the  
Court to take this case under further consideration and to give Peter Young the strongest  
possible sentence on every charge originally lodged against him.

Sincerely,

Teresa Platt  
Executive Director  
Fur Commission USA

*cc: [unclear]*



October 27, 2005

Barbara Williams  
Victim Witness Coordinator  
660 West Washington Ave. #303  
Madison, WI 53701-1585

**VICTIM WITNESS**

Dear Ms. Williams,

We are writing to you in regards to the upcoming court date for Peter Young. We are enclosing an article that appeared in our local paper. He not only shows no regret for the crime that he has committed but arrogantly professes that he "would do it all over again". Peter Young has also had the boldness and demonstrated mockery, to take our family name "Zimbal", the name that he took while in hiding. We are totally disgusted with his arrogance and plead with the court to give him the utmost strongest punishment.

The impact that he has had on our family no one will quite ever realize. We have enclosed 3 newspaper articles relating to incidences that our family has had to deal with. Our family has had letters with razor blades sent to us, our children were instructed to NEVER open the mail or packages for fear that they could be in danger for a simple task that most people take for granted. Our farm has had 2 separate releases of our animals in the past 15 years. We have had to take security measures and hire night watchmen to help insure that our farm is safe from the animal terrorists. While attending a convention with us our 10 year old daughter was detained in an elevator by animal terrorists where they told her that her parents were murderers. We have received phone calls in the middle of the night.

When does it stop!

No where in the constitution does it state that people have the right to infringe their views on others. We don't understand why Peter Young feels that he has the right to trespass on and vandalize our property.

Again, we urge the court to impose the strongest punishment for the arrogant, Peter Young.

Very Sincerely,

*Bob & Linda Zimbal*

Bob & Linda Zimbal  
6020 Wilson Lima Rd.  
Oostburg, WI 53070

11-2-05  
cc: Bob &  
probation

# Man who freed Iowa mink says he would do it again

By TODD RICHMOND  
ASSOCIATED PRESS

Madison, Wis. — An animal rights activist who faces a potential two-year prison term for freeing thousands of mink from Midwest fur farms says he has no regrets.

Peter Daniel Young, 28, told the Associated Press during a jailhouse interview that serving time will be nothing compared with what caged animals suffer.

"As bad as it could get, it will never be as bad as it was for those mink," Young said. "I would do it all over again."

Prosecutors say they believe Young and an accomplice were acting on behalf of the Animal Liberation Front when they broke into mink farms in Iowa, South Dakota and Wisconsin in 1997 and freed about 7,000 mink.

(The Iowa farms where ALF has claimed releasing mink were located near Sioux City (1997), Jewell (1998), New Hampton (2000) and Ellsworth (2001), according to Des Moines Register archives.)

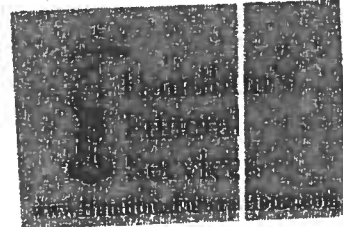
The FBI considers groups such as ALF among the nation's top domestic terrorist threats.

Young, 28, scoffed at the comparison.

"If saving thousands of lives makes a terrorist, then I certainly embrace the label," Young said. "I would have been just as fast to act if those cages had been filled with

human beings."

Teresa Platt, executive director of Fur Commission USA, a national association of fur farmers, called Young's philosophy nonsense, saying he has "been fed a steady string of propaganda for 10 years."



Hamilton

605 Lyon Street 24-5221

**Heuang Boul**

2:30 PM Saturday at the funeral home

**Joann Geissirger**

11 AM Friday at the funeral home

**Warren Marlin**

1 PM Friday at the funeral home

Hamilton

5400 SW 9th Street 285-3911

**Margaret Rutherford Longworth Meadow**

12 PM Saturday at the funeral home

Hamilton

105 4th Street 957-4272

**Carol Ann (Ericksen) Beasley**

1 PM Saturday at the funeral home



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biggest issues facing negotiators, though neither side would discuss the sticking points. SEIU employees last received a raise in 2003, when salaries went up 4.25 percent.

Both sides said Friday's session didn't go as planned.  
"I'm disappointed. I thought that we were within reach of an

See METRO on PAGE A11

# 'Mink man' hid out in Santa Cruz

## Activist now on trial in Wisconsin

By CATHY SMITH  
SENTINEL STAFF WRITER

An animal rights activist indicted eight years ago for allegedly breaking into farms in the Midwest and "liberating" thousands of minks spent some of his time as a fugitive in Santa Cruz, recently unsealed court documents show.



**YOUNG**  
Spent time on the lam living in Santa Cruz

Peter Daniel Young, 27, of Mercer Island, Wash., was indicted by federal officials in 1998 after he and Justin Samuel, now of San Diego, allegedly freed 7,000 mink on behalf of the Animal Liberation Front, an umbrella group of activists working against industries they believe injure animals. Prosecutors say the pair broke into farms in South Dakota, Wisconsin and Iowa in 1997. Young eluded authorities for years but was arrested in San Jose in March, after an officer caught him stealing CDs from a Starbucks, police say.

Santa Clara County prosecutor David Tomkins said Young had a handcuff key taped to the inside of his belt "where his hands would be" when arrested in March.

See FUGITIVE on BACK PAGE

# Fugitive

Continued from Page A1

"This guy is a pro," Tomkins said.

On May 5, Young pleaded guilty to petty theft and was sentenced to time served. He was turned over to federal authorities and is now jailed in Madison, Wisc., where he faces trial Sept. 6 on two misdemeanor counts of animal enterprise terrorism, and a maximum two-year sentence, if convicted, said Madison-based Assistant U.S. Attorney Bob Anderson.

## Friendly territory

In Santa Cruz, Young allegedly rented an apartment under a false name, using a Virginia identification card. He sought help from animal rights activists here, according to search warrant applications recently unsealed in the U.S. District Court of Northern California.

He appears to have run a mail-order CD business using his computer while on the lam, federal agents say.

Santa Cruz police said they were aware federal agents were in the city surveilling a residence, but said they do not know where the apartment was. Federal court documents state it was near the home of an unnamed fellow animal rights activist who was arrested with Young during a protest at UC Davis in 1997. San Jose police say he was also associating with a San Francisco animal rights activist.

Samuel, his co-defendant in the mink case, was caught in 1999 in Belgium and struck a deal with prosecutors and was sentenced to two years in prison.

According to the support-peter.com Web site, Samuel has attempted to re-enter the animal rights movement, but "most activists and organizations have shunned him as an untrustworthy individual and a snitch."

That Web site and another — animalliberationfront.com — seek donations for Young and urge letters and phone calls. They say he was recently moved to a higher-security area because someone mailed him "escape plans." One section urges [redacted] to call the jail and "politely" discuss vegan cuisine on his behalf.

The Animal Liberation Front site says he has reached "cult-hero status among some animal rights activists." It also posts a July 9 entry stating that 30,000 minks were "liberated" from a large farm in Spain.

Federal officials indicted Young on four counts of interstate com-

**Two Web sites seek donations for Young and urge letters and phone calls. They say he was recently moved to a higher-security area because someone mailed him "escape plans." One section urges [redacted] to call the jail and 'politely' discuss vegan cuisine on his behalf.**

Anderson said the ruling, involving an abortion case, determined that extortion had to involve a more direct forcing of surrender from business owners. He said Young and Samuel caused some \$500,000 in damage to the farms and that one has gone out of business, though it is unclear if that is related to the mink incident.

"We're obviously disappointed that the state of the law changed the lay of the land," he said.

## On the lam

Anderson said San Francisco-based federal prosecutors were looking into possible charges stemming from his years as a fugitive, but San Francisco-based federal prosecutors, as well as the FBI, declined to comment. Anderson said his office would not file evading charges, as they do not have evidence to prove beyond a reasonable doubt that he knew the charges were pending and fled.

"We have inferences we can draw, but they are probably not sufficient," he said.

However, in the applications for the warrant, an Oakland-based FBI officer, Scott Merriam, said he had "probable cause to believe that one or more individuals ... have in some manner assisted Young in remaining concealed from arrest."

Young's attorney in Madison, Chris Kelly, downplayed the documents.

"I'm not sure most of it has any real significance to the charges Peter is facing (in Wisconsin). The information in the warrant is just a bunch of allegations. They haven't been proved," he said.

He declined to comment on Young's activities before he was captured.

"As far as I know, he was just living his life," Kelly said.

The Associated Press contributed to this report



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## OPINION

### Man who freed mink no savior

00:00 am 10/17/05

Peter Daniel Young seems to think he's a regular Abraham Lincoln.

In reality, he's a criminal who deserves to be punished for his crimes.

Young, 28, of Mercer Island, Wash., told the Associated Press in Madison last week that he saved thousands of mink from slavery by letting them loose from their cages on farms in Wisconsin, Iowa and South Dakota.

Far from being set free to happily scamper and play on hillsides, most of the mink were no doubt squashed by cars, mauled by other animals as easy prey or starved to death.

All of that seems lost on the naive and self-righteous Young, as well as the animal rights activists who consider him an idol and send him fawning, jailhouse letters.

Young was caught in March after eluding federal authorities for seven years. He has pleaded guilty to two counts of animal enterprise terrorism and is scheduled to be sentenced Nov. 8 to as long as two years in federal prison.

His arrest earlier this year was a telling moment. He was caught shoplifting a compact disc from a coffee shop in San Jose, Calif.

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Alex Ott feeds some mink in a shed at his mink farm earlier this year in Heafford Junction, Wis. (File photo)

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MADISON

## Man not entitled to full jury, rules court

A Fitchburg man will lose his driver's license for 15 days after the state Supreme Court ruled Tuesday that he was not entitled to a 12-member jury for his trial on a speeding ticket two years ago.

The court said in a 6-1 decision that Kenneth R. McGrew, 35, who has fiercely contested a speeding ticket he received in 2002, was properly tried by a jury of six people.

MADISON

## Activist moved to more secure cell

Sheriff's deputies have moved an animal rights activist who dodged federal authorities for years to a more secure cell after he received what might be an escape plan in the mail.

Dane County deputies said they intercepted a drawing of a courtroom marked "escape route" in Peter Daniel Young's mail July 6. They moved Young from a medium-security dormitory at the county's Public Safety Building to the Dane County Jail the same day, sheriff's spokeswoman Elise Schaffer said.

The drawing was vague and didn't seem to represent any specific courtroom, Schaffer said, but "he was moved because of this mail. It was seen as a possible security issue."

Young is scheduled to appear in federal court next Wednesday for a pretrial conference.

MADISON

## DOT under fire for mishandling report

Attorney General Peg Lautenschlager filed a civil complaint Tuesday accusing the Department of Transportation and its secretary of violating Wisconsin's open records law by failing to turn over a report on contracting costs in a timely manner.

# UW case has no taker at the top

The attorney general says her office has no authority, Ethics Board would be more appropriate.

By Karen Rivedal  
Wisconsin State Journal

Attorney General Peg Lautenschlager on Tuesday declined to investigate the controversy over UW-Madison administrator Paul Barrows, who was allowed to take a seven-month paid leave after being demoted for dating a graduate student.

Lautenschlager, the state's top law enforcement officer, said her office has no authority to conduct an investigation of "specific personnel matters" at the University of Wisconsin System — or at any state agency — unless that agency requests it. And the System, together with UW-Madison, already is doing its own investigation of the matter, with a report due by September.

"Reluctantly, I must decline your request," she said in a letter to the 11 Republican lawmakers who asked for the independent probe on July 8.

Lautenschlager did tell the lawmakers they could pursue a complaint at the state Ethics Board about matters raised by the Barrows controversy. Those issues include concerns over the possible abuse of leave time — because Barrows used sick days to apply for jobs at other universities during the leave — and "back-up" jobs, which have been granted to some university officials after resignations, including Barrows. Lautenschlager said her office would be "willing and prepared" to look into those questions at the request of the Ethics Board.

But at least two of the letter signers said Tuesday they don't

"It's the policies that are allowing this to happen System-wide that need to be addressed," he added. "We'll give (the Regents) an opportunity to finish their review and forward some recommendations. If they're not interested in reforming some of the current practices, then we'll be prepared to move forward."

Another signatory, Rep. Samantha Kerkman, R-Burlington, said she would prefer the state's Legislative Audit Bureau examine the university policies. Kerkman said she and Kreibich sent a letter on Tuesday requesting the audit to the legislative committee that officially makes such requests.

"(The bureau) has been very proactive on other controversial issues," Kerkman said. "State Auditor Jan Mueller does a fantastic job and does it very quickly."

Kreibich said if reforms are not proposed by the Regents, he would introduce a measure to limit guaranteed backup jobs and to eliminate paid leave for administrators after they resign. System officials have argued such policies are common at universities across the country as a means to recruit and retain talented administrators, who often serve at the pleasure of chancellors who come and go.

UW-Madison Chancellor John Wiley on Tuesday defended the policies, noting he was "very comfortable" with providing back-up jobs for certain administrators.

"(They) are absolutely essential for at-will appointees who are subject to being fired at a moment's notice," Wiley said during an unrelated news conference with Gov. Jim Doyle at UW-Madison. "Those people need something to return to if they are suddenly terminated."

Doyle urged patience until the required reviews were done.

"We all have legitimate concerns and we are going to follow



decided it  
bility to  
er. It was  
come up  
Gielow

task force to look into how to  
reinstate the cap after health-  
care groups complained the  
court's decision would drive up  
costs and force doctors to leave  
the state.

The panel laid out several al-

ance. Doing so would reduce  
damages for those patients.

The task force also suggested  
legislators consider other states'  
caps, insurance premiums and  
previous malpractice awards in  
Wisconsin. Gielow said that

want any cap at all.

He said he would let commit-  
tee members digest the draft  
over the weekend. Barring any  
last minute disputes, he plans to  
forward the package to Gard on  
Monday.



**RAGHER** sits in the jury box of his  
of the Washington County Court-  
Faragher received a jury duty notice,  
at orders him to appear in his own

## led to jury duty

Jury clerk Deb Donath said  
a computer randomly compiles  
juror lists from information  
provided by the state Depart-  
ment of Motor Vehicles.

"I can't pull any names out,  
not even his in his own  
branch," she said of the judge.

Just like everyone else,  
Faragher will have to excuse  
himself from jury duty.

"I think I'll just say it may  
not be a good idea to be sum-  
moned to my own court," he  
said.

# Mink raider says he'd do it all again

**MADISON (AP)** — An animal rights activist who faces federal prison for freeing thousands of mink from Midwestern fur farms says he'd do it again, and doing time will be nothing compared to what caged animals suffer.

Peter Daniel Young, an idol to animal rights activists after he eluded federal authorities for seven years, said in an interview from jail he believes he saved the minks from slavery.

"I would do it all over again," he said. "As bad as it could get (in prison), it will never be as bad as it was for those mink."

Federal prosecutors believe Young and an accomplice were acting on behalf of the Animal Liberation Front when they broke onto mink farms in Iowa, South Dakota and Wisconsin in 1997 and freed about 7,000 mink. The FBI considers groups like ALF the nation's top domestic terrorist threat.

Young, 28, scoffed at that.

"If saving thousands of lives makes a terrorist, then I certainly embrace the label," Young said. "I would have been just as fast to act if those cages had been filled with human beings."

Teresa Platt, executive director of Fur Commission USA, called Young's philosophy nonsense.

"He's ... been fed a steady string of propaganda for 10 years," she said.

Alex Ott, owner of a fur farm

Young raided in Tomahawk, said he treats his mink well and has every right to make a living.

"These people ... skulk around. They attack and they terrorize," Ott said.

A grand jury in Madison indicted Young and Justin Samuel in 1998 on four counts of extortion and two counts of animal enterprise terrorism, which together carried a maximum sentence of 82 years in prison.

The pair disappeared after the indictments came down. Samuel was captured in Belgium in 1999, while Young dodged authorities until his arrest in March for shoplifting CDs in San Jose, Calif.

Federal prosecutors dropped the extortion charges this summer after deciding a U.S. Supreme Court ruling invalidated the legal basis for them. Young pleaded guilty to the animal enterprise counts in a deal with prosecutors. He faces up to two years in prison when he is sentenced Nov. 8.

Young, of Mercer Island, Wash., said he never fit into mainstream society and the animal rights movement gave him a sense of belonging to something bigger.

He and Samuel targeted Mid-west fur farms because authorities in the Northwest were putting too much heat on them. Wisconsin had the largest concentration of mink farms in the nation, he added.



Young

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objections of the UW System university system shaken by scan-  
administration, which warned it dal.

The UW System had no poli-

appeared in news wire yesterday 3/30

Posted on Wed, Mar. 29, 2006

## Prosecution to proceed for 1997 raid on mink farm

Associated Press

**WATERTOWN, S.D.** - A prosecutor faces a deadline to try a man accused of releasing hundreds of mink from a farm near Kranzburg nine years ago.

The defendant, Peter Daniel Young, 28, is serving a two-year sentence in a federal prison in California after pleading guilty in U.S. District Court in Madison, Wis., to animal enterprise terrorism for releasing mink at farms in Iowa, South Dakota and Wisconsin.

Codington County State's Attorney Vince Foley said in December that the federal penalty did not fit the crime committed at the Turbak Mink Ranch near Kranzburg when hundreds of the animals were released from pens. Many died before they could be recaptured - a loss that played a part in the eventual closure of the business, the former owners said.

Federal investigators said they believe Young is connected with the Animal Liberation Front, a radical group that has attempted to destroy animal-related industries it considers inhumane.

Prosecutor Foley filed state charges against Young of third-degree burglary, intentional damage to property and animal enterprise trespass. The first two charges carry a maximum sentence of 10 years in prison. The third charge has a maximum penalty of two years in prison.

On Tuesday, Foley said Young has demanded a speedy trial or dismissal of the charges.

By filing the request for a speedy trial, Foley said Young eliminated any extradition issues and started the clock on a 180-day window for prosecution.

"That means we have to try his case within that time period," Foley said Tuesday. "We are making arrangements to have him transported here to face trial."

Foley said Young could be brought to Watertown within a month.

Young, of Mercer Island, Wash., was arrested in San Jose, Calif., a year ago when he was caught shoplifting. He had been on the run since being indicted by a federal grand jury in Wisconsin in 1998 on four extortion charges and two animal enterprise terrorism counts.

Authorities later dismissed the four extortion counts after deciding a U.S. Supreme Court ruling in 2003 invalidated the legal theory behind them. He then pleaded guilty to animal enterprise terrorism in a deal with prosecutors.

Information from: Watertown Public Opinion, <http://www.thepublicopinion.com>

Information from: Watertown Public Opinion, <http://www.thepublicopinion.com>

Assistant U.S. Attorney John Vaudreuil said a Supreme Court decision in 2003 found the definition of extortion under federal law means someone must actually take something from another person, not just deprive that person of something.

After consulting with the U.S. Department of Justice and FBI attorneys, Vaudreuil said his office decided the charges no longer fit the allegations in the indictment. Young wasn't accused of actually taking anything from the farms. Vaudreuil filed the order for dismissal Thursday.

"There's no goal to obtain things from the targeted mink farms in this case. The goal is to shut them down. We all agree that charge, extorting something from these people, no longer fit," Vaudreuil said.

Prosecutors said they believe Young is part of the Animal Liberation Front, a radical group that aims to destroy animal-related industries it considers inhumane.

Young, 27, of Mercer Island, Wash., has become a folk hero in the animal rights movement. Someone has set up a Web site to solicit funds for his legal defense, and someone sent him an escape plan while he was being held in the Dane County Public Safety Building earlier in July.

Vaudreuil said his office doesn't plan to bring charges against Young for being a fugitive. He said flight charges usually are filed against people who flee after appearing in court at least once; Young never appeared before he disappeared.

He insisted that decision and dismissing the charges doesn't mean the government takes ALF actions any less seriously. For example, the charge of animal enterprise terrorism has been upgraded from a misdemeanor to a felony since Young was on the run, Vaudreuil said.

But that won't affect Young's case.

"This criminal is going to slide under the wire. It's a shame," said Teresa Platt, executive director of the mink farmer association Fur Commission USA. "The law is an imperfect beast."

Young's legal troubles aren't over, Vaudreuil said. He's still due in court Wednesday for a pretrial conference.

"Mr. Young still faces two years in prison, obviously, if he's found guilty," Vaudreuil said.

ON THE NET

Support Peter: <<http://www.supportpeter.com>><http://www.supportpeter.com>

LEWIS WAVE

TODD RICHMOND  
Associated Press

MADISON, Wis. - Federal prosecutors dropped four extortion charges against an animal rights activist arrested in California seven years after he was accused of freeing thousands of mink from farms around the Midwest.

U.S. attorneys said they were forced to act because a Supreme Court decision changed the legal definition of extortion while Peter Daniel Young was on the run.

The surprise move shocked the owner of one of the farms he was accused of raiding.

"You've got to be kidding. Unbelievable. Unbelievable," said Alex Ott, owner of Ott's Mink Ranch in Tomahawk. Young was accused of helping to free 300 mink from Ott's farm in 1997.

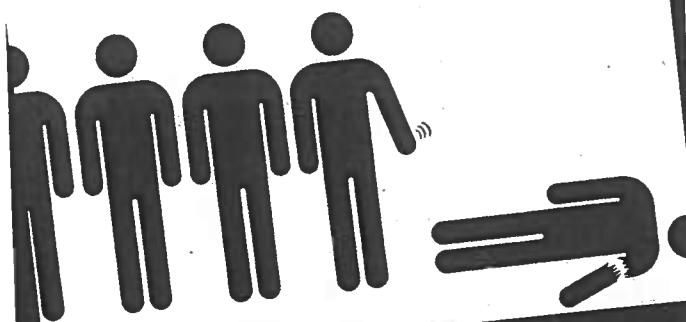
Young would have faced 82 years in prison if convicted on all six counts against him. He still faces two counts of animal enterprise terrorism - misdemeanors that each carry up to a year in prison. The four counts of interference with commerce by extortion each carried up to 20 years.

"I'm pretty pleased, as is Peter," said Young's attorney, Chris Kelly. "We're in a much better position."

Young and alleged accomplice Justin Samuel were indicted in 1998 on the six charges. Prosecutors say the pair broke onto five farms in Iowa, South Dakota and Wisconsin in 1997 and freed around 7,000 mink.

Samuel cooperated with authorities and got two years in prison. Young vanished until this past March, when he was arrested in San Jose, Calif., for shoplifting CDs from a Starbucks.

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# MAIL DROP

The script is flipped, gears are stripped, and dimensions  
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## MAG LITE

As I sit here in federal prison on charges of liberating mink from fur farms in the wild—taking my food through a slot in the door and friendships through the mail—I cannot help but reflect on the role *Thrasher* played in all of this, in the evolution of my consciousness and also the

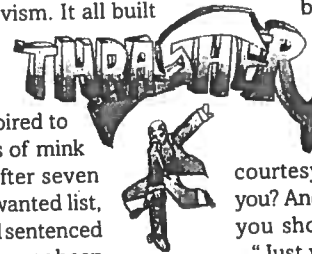
## PAD TY

Yes, I am a bit paranoid, I me to clarify the "Old Du Skatepark" flip trick. First only trying to find the sl exit. My nervous twitch an are a medical condition fr of tranny deprivation and over the shrinking widths

## "NEXT TIME YOU SEE A HAIRPIECE AND A PA KNEEPADS ROLLING RIGHT TOWARD YOU, S A LITTLE COURTESY FOR THE ELDERLY, WILL

downfall of my freedom. The July 1993 *Thrasher* blew open the walls of my suburban Seattle mind. It was to me, in no exaggerated terms, an internal revolution from which I would never really recover. I began skating. It was the Plan B *Questionable* video that exposed me to the punk and hardcore scene. And political hardcore bands like Earth Crisis brought me to adopt a strict vegan diet, a straight edge lifestyle, and animal rights activism. It all built up right to the fall of 1997 and a Midwest road trip in which I had conspired to release thousands of mink from captivity. After seven years on an FBI wanted list, I was arrested and sentenced to 24 months. It's now been over 13 long years since reading that very first *Thrasher* mag.

Secondly, my tailg broken. It is not a coucl recovery, or reload, nor adjust my kneepads or l Thirdly, my beer keeps n Since I spend a great de on the toilet, it's only nal skate "nothing but the l shit." And lastly, my rig i heavy that I need to "shoc at least three- to four-feel a lot easier than having beast up th So the ne see a hai a pair o' rolling r you, sl courtesy for the e you? And when I tr you should quit "Just what the l trying to do It wou app Rex "I'm That Old D Paradise

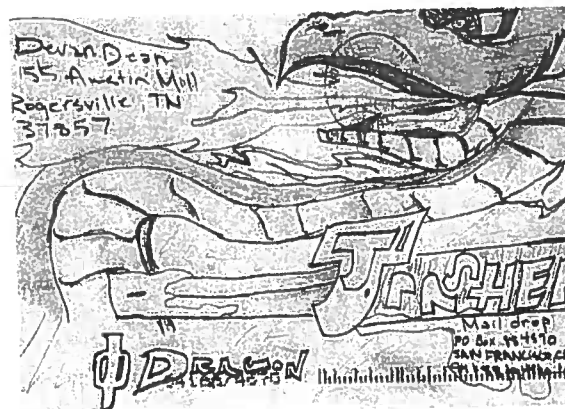


## TOP GUN

Okay, I admit it, I v Super Bowl. I really ju see the commercials kind of like saying yo Playboy to read the arti

Peter Young  
Victorville, CA  
Supportpeter.com

*Thrasher changed my life, too. —T-ed*







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## Terrorism Crackdown Sparks Response From Convicted Extremist

**Chris Halsne**

KIRO 7 Eyewitness  
News Investigative

UPDATED: 6:33 pm PDT April 27, 2006

KIRO Team 7  
Investigators take you inside the shadowy world of domestic terrorism.

Criminal extremists from the Animal and Earth Liberation Fronts tell Investigative [REDACTED] Chris Halsne that despite a massive federal crackdown on its members, they will not quit.

A-L-F. It's an organization whose members operate in extreme secrecy, often under the cover of darkness. They use homemade firebombs and bolt cutters to send their messages:

Promoting veganism, protecting animal rights and punishing environmentally unfriendly businesses.

The Pacific Northwest remains a hotbed of volatile, illegal action in the name of the ELF and ALF. The FBI is investigating arsonists here

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### PETER YOUNG

Peter Daniel Young speaks by phone from prison, where he is serving two years after pleading guilty for violations of the Animal Enterprise Terrorism Act. Video: Young On Animal Rights Movement

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who have burned local research labs, a slaughterhouse and expensive homes near sensitive habitat. Black-hooded vandals also continue to release captive animals by the thousands.

It's that subculture which launched Seattle-area native Peter Daniel Young to cult-hero status. A "Support-Peter" Web site, T-shirts, even a fan club -- all for a man currently in federal prison for violations of the Animal Enterprise Terrorism Act.

Halsne: "Any regrets?"

Young: "The only thing I can say I regret is that I got caught. I don't regret anything else."

KIRO Team 7 Investigators spoke with Young from inside the Victorville Medium Security prison in California. The Justice Department wouldn't allow us to videotape. His voice alone, however, carries plenty of passion for his cause.

Young: "You have to understand that what happens to animals in this country is so egregious and so violent, so gory, so horrific, that it warrants extreme action. It is a tremendous risk to take. Prison is a extreme risk to take. Possibly getting shot is a tremendous risk to take. But, the severity of what happens to animals is so extreme, that I believe a lot of people are willing to take that risk."

Young grew up on Bainbridge and Mercer islands. As a teenager, he stopped eating meat and progressed from peacefully protesting animal rights to criminal actions.

Federal prosecutors just handed him two years in prison for freeing millions of dollars worth of mink from fur ranches. Additional charges could keep him behind bars eight more years. Still, he is unrepentant.

Young: "So long as an animal has the capacity to feel pain, I'm going to be there to protect it."

Doug Kelly is executive director of the American Mink Council. He says activists like Young are dangerous and "in danger" every time they take action.

He warns, "Somebody comes into your million-dollar house and you're watching them pour gasoline all over and starting to throw a match on it, you're going to do something about it. You're going to stop them however you can stop them."

Animal Liberation Front raids on Washington fur farms, like one in Snohomish County, have financially devastated some local farming families. However, overall, Kelly says eco-terrorists have failed to hurt the market. Pelt prices this season are at an all-time high.

"Fur. Not only is it nice, it's exquisite. It's warm. Nothing is warmer. That's why God put the animals on the earth, is for us to use."

You might not agree with Kelly's views or with the shouts of animal rights protesters, but both are legal expressions. Arson and burglary break-in actions committed in the name of ALF and ELF are not.

To find out more about how and why they conduct their illegal terror campaigns, KIRO Team 7 Investigators spoke with admitted criminals within both organizations.

Members showed me how they slip through unnoticed onto farms, how they scare animal researchers, even handed us the firebomb-building blueprints they use.

KIRO Team 7 Investigators constructed and tested the simple time-delayed device.

Arson experts supervised the process, wanting you to see what just \$4 worth of fire building materials can be do to a building.

U.S. Attorney General for Oregon [Karin Immergut](#) is leading way in an attempt to dismantle ALF and ELF.



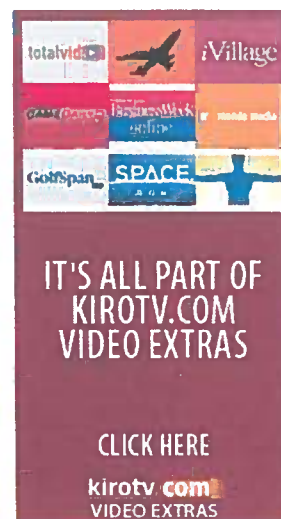
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"If you follow the advice, and create incendiary devices and commit arsons, we'll hunt you down and prosecute you."

Immergut says the two eco-groups are intertwined. Just this year, secret grand juries in the Pacific Northwest have [indicted](#) 14 alleged eco-terrorists, the most serious round-up of suspects ever.

"The risk to other persons is enormous. In addition, we've seen arsons set next to propane tanks, next to gas meters. Again, that clearly poses a danger to human life."

Charges of arson and conspiracy could put some activists, who call themselves "The Family," in prison for up to 35 years. Several members are accused of burning down the University of Washington Horticultural Center in 2003 because they didn't like the way tree research might alter Mother Nature.

Peter Young says he was not part of that cell. However, he understands when he gets out of prison, the FBI still has a file that labels him a domestic terrorist.

"I'm marked for life. There's no question about that. I imagine I'll probably be a suspect in just about anything that ever happens illegally for animals for the rest of my life. I'm very well aware of that."

The FBI says Peter Young is definitely a member of ALF, but it was interesting, when we asked him about it from federal prison, he denied it.

There may be a legal reason for that. The Justice Department has some new "conspiracy" rules. If they can prove you're a member of ALF or ELF, you might get an extra 10 years behind bars.

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## **New Charges filed for mink release**

**WATERTOWN (AP)-** A man convicted in federal court in Wisconsin for releasing mink from fur farms in three states now faces state charges in Watertown. Peter Daniel Young is charged in the release of hundreds of mink from the Turbak Mink Ranch near Kranzburg in 1997, Codington County State's Attorney Vince Foley said.

Young was indicted in 1998 on federal charges for releasing mink at farms in South Dakota, Iowa and Wisconsin. After being a fugitive for several years, he pleaded guilty in a plea bargain to federal charges of animal enterprise terrorism and was sentenced to two years in prison.

Federal investigators said they believe Young is connected with the Animal Liberation Front, a radical group that has attempted to destroy animal-related industries that it considers inhumane.

Foley said the state charges of third degree burglary, intentional damage to property and animal enterprise trespass were filed against Young after discussions with the state attorney general's office and the owners of the now-defunct mink ranch.

"We feel that the federal charges don't fit the severity of what happened in South Dakota," Foley said. "The charges in South Dakota apply only to the incident in South Dakota. In South Dakota, we take this type of interference seriously."

Foley said there are still a few roadblocks before Young would answer to the charges in South Dakota, chief among those is extradition.

"We will be in discussion with federal authorities on extradition," Foley said, adding he isn't sure how long that process will take.

Foley said a six-year statute of limitations for the 1997 crimes did not apply during the time Young was considered a fugitive.

As to the possibility of the new charges being considered "double jeopardy," Foley said that could be a concern.



**South Dakota files charges against activist raid on mink farm***Associated Press WATERTOWN, S.D.*

A man convicted in federal court in Wisconsin for releasing mink from farms in three states now faces state charges in South Dakota. Peter Daniel Young, 28, of Mercer Island, Wash., is charged in the release of hundreds of mink from the Turbak Mink Ranch near Kranzburg in 1997, said Codington County State's Attorney Vince Foley.

Young was indicted in 1998 on federal charges for releasing mink at farms in South Dakota, Iowa and Wisconsin. After being a fugitive for several years, he pleaded guilty in a plea bargain to charges of animal enterprise terrorism and was sentenced last month to two years in prison in federal court in Madison, Wis. Young wasn't remorseful for his crime at the time. He read a statement to the court, calling his mink farm raids an "act of conscience." He told fur farmers in the audience "it was an absolute pleasure to raid your farms" and urged everyone in the courtroom to go out and attack more farms. Federal investigators said they believe Young is connected with the Animal Liberation Front, a radical group that has attempted to destroy animal-related industries it considers inhumane.

Foley said the state charges of third degree burglary, intentional damage to property and animal enterprise trespass were filed against Young after discussions with the state attorney general's office and the owners of the now-defunct mink ranch. "We feel that the federal charges don't fit the severity of what happened in South Dakota," Foley said. "The charges in South Dakota apply only to the incident in South Dakota. In South Dakota, we take this type of interference seriously." Foley said there are still a few roadblocks before Young would answer to the charges in South Dakota, chief among those is extradition. "We will be in discussion with federal authorities on extradition," Foley said, adding he isn't sure how long that process will take. Foley said a six-year statute of limitations for the 1997 crimes did not apply during the time Young was considered a fugitive. As to the possibility of the new charges being considered "double jeopardy," Foley said that could be a concern. "That will, perhaps, be an issue," he said. "But we feel the federal charges were not on point with this incident."



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The presentence report (PSR) is a confidential document and is intended only for the use of the court, the probation and pretrial services office, the defendant, counsel for the defendant and the United States Attorney. Post-sentencing copies will be provided to the appellate court upon appeal, to the United States Sentencing Commission for statistical recording and if confinement is ordered, to the Bureau of Prisons. Unauthorized reproduction or disclosure of the contents of the report is prohibited.

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Any questions can be directed to the U.S. Probation Office in Madison at 608-264-5165 or to the U.S. Probation Office in Eau Claire at 715-839-4774.

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UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA )

v. )

PETER DANIEL YOUNG )

PRESENTENCE INVESTIGATION REPORT

DOCKET No. 98-CR-91-X-01

**Prepared For:** Honorable Stephen L. Crocker  
U.S. Magistrate Judge

**Prepared By:** Leslyn Amthor Spinelli  
Senior U.S. Probation Officer  
(608) 264-5165, Ext. 5774

**Office Location:** 420 U.S. Courthouse  
120 North Henry Street  
Madison, WI 53703

**Assistant U.S. Attorney**  
Robert A. Anderson  
United States Attorney's Office  
City Station  
660 West Washington Avenue  
Madison, WI 53703  
(608) 264-5158

**Defense Counsel (Retained)**  
T. Christopher Kelly  
145 West Wilson Street  
Madison, WI 53703  
(608) 255-6607

**Sentencing Date:** November 8, 2005

**Offense:** Count 5: Indictment 18 U.S.C. § 43(a) and 2 - Conspiracy to Travel in Interstate Commerce to Commit Animal Enterprises Terrorism, a Class A misdemeanor

Count 6: Indictment 18 U.S.C. § 43(a) and 2 - Travel in Interstate Commerce to Commit Animal Enterprises Terrorism, a Class A misdemeanor

**Mandatory Minimum:** None

**Date of Arrest:** May 6, 2005

**Release Status:** Detained

**Detainers:** See paragraphs 58 and 59 for pending charges

**Codefendants:** Justin Clayton Samuel, Case No. 00-78M-X-01, Reg. No. 04742-090

**Related Cases:** None

**Date Report Prepared:** October 7, 2005

**Date Report Revised:**

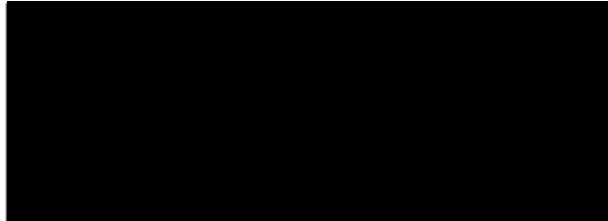
← MAY 4th



**Identifying Data:**

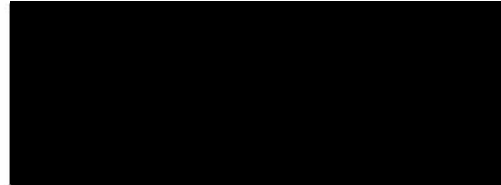
**Date of Birth:** June 26, 1977  
**Age:** 28  
**Race:** Caucasian, Non-Hispanic  
**Sex:** Male

**S.S. #:**  
**FBI #:**  
**USM #:**  
**Other ID:**



**Education:** High school graduate  
**Dependents:** None  
**Citizenship:** United States of America

**Legal Address:**



**Current Address:** c/o Dane County Jail  
115 West Doty Street  
Madison, WI 53703

**Alias:** Simon Zimbal

**Gang Associations:** None



**NOTE: Restrictions on Use and Redisclosure of Presentence Investigation Report.** Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorists activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.

## PART A. THE OFFENSE

Charges and Convictions

1. On September 16, 1998, a grand jury in the Western District of Wisconsin returned a six-count indictment against Peter Daniel Young and Justin Clayton Samuel (Case No. 98-CR-91-S). Count 1 charged that from on or about October 17, 1997, through on or about October 29, 1997, the defendants conspired to obstruct, delay and affect commerce and the movement of articles and commodities in such commerce by extortion; in violation of 18 U.S.C. §§ 1951 and 2. Counts 2, 3 and 4 charged that on or about October 25, 1997, October 26, 1997, and October 26, 1997, respectively, the defendants did knowingly and unlawfully obstruct, delay, affect, and attempt to obstruct, delay and affect commerce and the movement of articles and commodities in such commerce by extortion; in violation of 18 U.S.C. §§ 1951 and 2. Count 5 charged that from on or about October 17, 1997, through on or about October 29, 1997, the defendants conspired to travel in interstate commerce for the purpose of causing physical disruption to the functioning of animal enterprises and with the intent to cause physical disruption to the functioning of animal enterprises, by damaging property and causing the loss of animals and records, resulting in economic damage of more than \$10,000; in violation of 18 U.S.C. §§ 43(a) and 2. Count 6 charged that on or about October 26, 1997, the defendants did knowingly travel in interstate commerce for the purpose of causing physical disruption to the functioning of an animal enterprise and did intentionally cause physical disruption to the functioning of the Dittrich Minkery in Medford, Wisconsin, by damaging property, destroying records and causing the loss of animals, thereby resulting in economic damage of more than \$10,000; in violation of 18 U.S.C. §§ 43(a) and 2. The indictment was sealed, and warrants were issued for the defendants' arrests.
2. Peter Daniel Young was arrested in San Jose, California, on March 21, 2005, on unrelated local charges. He was taken into custody by the U.S. Marshals Service on May 6, 2005, and had his initial appearance before Chief U.S. Magistrate Judge Patricia Trumbull in the Northern District of California that same day. Young waived his right to an identity and detention hearing and was ordered removed to the Western District of Wisconsin in custody.
3. Young was arraigned before U.S. Magistrate Judge Theresa Owens on May 24, 2005, and entered not guilty pleas. He was ordered detained pending trial based on the risks of flight and danger.
4. On July 26, 2005, Counts 1 through 4 of the indictment were dismissed without prejudice.
5. A written plea agreement was reached in this case, the complete text of which is contained in a letter to defense counsel dated August 26, 2005. In summary, Young agreed to plead guilty to Counts 5 and 6 of the indictment and to pay restitution for all losses relating to the offenses of conviction and the same course of conduct or common scheme or plan as those offenses.



6. On September 2, 2005, Peter Young appeared before U.S. Magistrate Judge Stephen L. Crocker and pleaded guilty to Counts 5 and 6. The Court withheld adjudication of guilt until the time of sentencing. A presentence investigation was ordered to be filed by October 7, 2005. Objections to the report are due October 21, 2005. Sentencing is scheduled for November 8, 2005.

### Codefendant

7. *Justin Clayton Samuel* was arrested in Belgium in September 1999 and held based on the arrest warrant in the instant case. He was extradited to the United States and was arraigned before U.S. Magistrate Judge Stephen L. Crocker on June 12, 2000. On August 30, 2000, Samuel pleaded guilty to a two-count information filed in *Case No. 00-78M-X-01*: Count 1 charged that from on or about October 17, 1997, through on or about October 29, 1997, Samuel conspired with Peter Daniel Young and other persons to travel in interstate commerce for the purpose of causing physical disruption to the functioning of animal enterprises and with the intent to cause physical disruption to the functioning of animal enterprises, by damaging property and causing the loss of animals and records, resulting in economic damage of more than \$10,000; in violation of 18 U.S.C. §§ 43(a) and 2. Count 2 charged that on or about October 26, 1997, the defendant did knowingly travel in interstate commerce for the purpose of causing physical disruption to the functioning of an animal enterprise and did intentionally cause physical disruption to the functioning of the Dittrich Minkery in Medford, Wisconsin, by damaging property, destroying records and causing the loss of animals, thereby resulting in economic damage of more than \$10,000; in violation of 18 U.S.C. §§ 43(a) and 2.
8. The sentencing hearing was held before U.S. Magistrate Judge Crocker on November 3, 2000. After hearing testimony from the victims, the Court found that the total intended loss for guidelines purposes was approximately \$569,372. Samuel was sentenced to 12 months' imprisonment as to each count, to run consecutively, and a one-year term of supervised release. He was also ordered to pay restitution in the amount of \$364,106. The restitution obligation was ordered joint and several with Peter Daniel Young should he be convicted.

### The Offense Conduct

Paragraphs 9 through 20 are the same as the like-numbered paragraphs in Justin Clayton Samuel's presentence investigation report.

9. In October 1997, Justin Clayton Samuel and Peter Daniel Young traveled from South Dakota to Iowa to Wisconsin on a mission to release mink from various mink farms. They drove a red Geo Metro registered in Washington state to their friend Allison Porter. The duo illegally entered at least four farms, setting free thousands of mink. Unfortunately for Samuel and Young, they and their somewhat distinctive vehicle were spotted by various witnesses, and fur farmers were anxious to give police information about the activists who threatened their operations. The Geo Metro was impounded in Sheboygan County, although Samuel and Young were not held. A subsequent search of the vehicle yielded the bolt cutters used to cut the fences at three of the victim farms along with other incriminating evidence.



10. During the evening hours of October 16, 1997, the Turbak Mink Ranch in Watertown, South Dakota, was illegally entered. Holes were cut in the exterior fence and about 2,400 mink were released from their sheds. All but 600 of the mink were recovered. An FBI agent investigating the incident removed a six-inch length of the fence which had been cut by the perpetrators and forwarded it to the FBI Laboratory for inspection.
11. Between the hours of 6:00 p.m. on October 17, 1997, and 7:00 a.m. on October 18, 1997, several sections of fence at the Circle K Fur Farm in Sioux City, Iowa, were cut and knocked down. About 2,000 mink were let out of their individual cages and a number of foxes were also let loose.
12. Between the hours of 10:30 p.m. on October 20, 1997, and 12:30 a.m. on October 21, 1997, the Fassett Fur Farm in Webster City, Iowa, was vandalized. Three mink were let loose, two of which were recovered. The tags bearing the name and breeding information for numerous individual mink were taken from the cages and torn up. The owner of the farm reported he did not see the subjects but heard a man's voice and a woman's voice, and he believed the subjects were scared off before they could do much damage.
13. On October 21, 1997, Dan Robb, a driver for Lubeck's Towing, towed a red Geo Metro out of a ditch in the vicinity of Perrin and Sons Fur Farm in Cherokee, Iowa. Robb told the FBI the car had Washington state license plates and was occupied by two white males. He recalled there was a lot of luggage and clothing in the car.
14. Detective Ron Corcoran of the Trempealeau County, Wisconsin, Sheriff's Department stopped at the Budget Mart in Galesville, Wisconsin, at about 10:00 p.m. on October 23, 1997. He saw a red Geo Metro bearing Washington state license plate #560GDO in the Budget Mart parking lot. When he went into the store, Detective Corcoran spoke with two white males who were heating food in the microwave. The two stated they were on a trip to visit friends. The Trempealeau County dispatcher ran a check on the license plate and learned the vehicle was registered to Allison Porter.
15. At around 4:50 p.m. on October 24, 1997, an Amish man named Neal Borntrager saw a small red car drive onto his property in rural Granton (Clark County), Wisconsin. He saw two white males get out of the vehicle and walk across a field. Borntrager yelled and asked what they were doing. The two stated they were traveling and were looking for a place to camp. Borntrager told them they were on private property and asked them to leave. He noted the car had a Washington state license plate, either #560GDO or #560DGO.
16. Between the hours of 4:30 p.m. on October 24, 1997, and 6:00 a.m. on October 25, 1997, the Smieja Fur Farm in Independence (Trempealeau County), Wisconsin, was illegally entered. About thirty feet of the exterior fence was cut and laid down. The intruders opened 352 shelter boxes, each of which housed a male and a female mink, and all of the animals were released. About thirty male mink were released from another row of pens. One of the fur farm's owners, Jim Smieja, stated he had gotten up around 3:00 a.m. and turned on the light in his house. He speculated the intruders may have left when they saw the light. Detective Corcoran took samples of the fence which had been cut by the



perpetrators and forwarded them to the FBI Laboratory for inspection. All but 104 of the released mink were recovered; however, their value as breeders was lost because there was no way to identify each individual mink and its lineage.

17. A Geo Metro driven by Peter Daniel Young was stopped for making an illegal U-turn at the intersection of Highway 37 and Clairemont Avenue in Eau Claire, Wisconsin, at about 2:00 a.m. on October 25, 1997. The vehicle bore Washington license plate #560GDO.
18. At approximately 1:30 a.m. on October 26, 1997, Jack Dittrich, owner of the Dittrich Mink Farm in Medford (Taylor County), Wisconsin, was awakened by someone who called to report there were mink all over the road. Dittrich contacted the sheriff's department and immediately began attempts to recover the mink. Investigation revealed that about 400 feet of the perimeter fence had been cut and laid down on the ground, allowing egress for the animals. About 3,000 mink were released. All but 280 were caught, but 112 died after being caught. Wire samples from the fence which had been cut by the perpetrators were sent to the FBI Laboratory for examination.
19. At about 6:30 a.m. on October 26, 1997, a Lincoln County sheriff's deputy was dispatched to Ott's Mink Farm in Tomahawk, Wisconsin, because a number of mink had been set loose. The gate on the perimeter fence was opened, as were the doors to 350 pens in one mink shed. Some of the pens housed two mink. Alex Ott Sr. recalled he had gone outside his house with a flashlight around 1:50 a.m. and shined the light around the mink farm. He speculated he might have interrupted the intruders, because numerous other mink sheds were not opened. All but 70 of the mink were recovered. Neighbors subsequently reported they had seen a small red car parked in the vicinity of the fur farm twice near the end of October 1997. On both occasions, a white male was standing near the car.
20. Jim Langer, owner of a mink farm in Norman (Kewaunee County), Wisconsin, reported seeing a red Geo Metro bearing Washington state license plate #560GDO drive past his farm twice at about 12:30 p.m. on October 27, 1997.
21. Linda Zimbal contacted the Sheboygan County Sheriff's Department around 2:15 p.m. on October 28, 1997, to report a red Geo Metro bearing Washington license plate #560GDO was stopped on Abraham Court, the dead end road on which her mink farm is located. Zimbal stated she had information from other mink farmers that the vehicle had been in the vicinity of recent mink releases. Sheriff's deputy Seth Fuller located the vehicle parked behind a hardware store in the Village of Oostburg. Deputy Fuller spoke with the occupants of the car, Peter Daniel Young and Justin Clayton Samuel, and both denied being on Abraham Court. Deputy Fuller observed dark-colored clothing, sleeping bags and a supply of food in the car. Young refused to consent to a search of the vehicle, so it was impounded pending application for a search warrant. Young and Samuel were allowed to leave.
22. A warrant to search the vehicle was obtained in the Circuit Court for Sheboygan County, Wisconsin, on October 29, 1997, and was executed that same day. Among the items found in the car were:



- 2 bolt cutters
- a multi-gadget tool
- numerous items of dark-colored clothing
- an envelope containing credit reports on fur farms
- a printed list of fur farms from the ALF (Animal Liberation Front) internet website
- a handwritten list of addresses for fur farms, with notations beside some addresses.

The notation on the list next to a Cherokee, Iowa, address reads, "Fell in a ditch." The notation next to a Granton, Wisconsin, address reads, "Amish confrontation."

20. The FBI Laboratory examined the wire samples from the Turbak, Smieja and Dittrich mink farms and determined those fences were cut with the bolt cutters found in the Geo Metro. The wire samples from the fences cut at the Circle K Fur Farm did not match the tools found in the Metro.
21. Loss Calculations: Peter Young pleaded guilty to Counts 5 and 6 of the indictment. Count 5 alleged that from on or about October 17, 1997, through October 29, 1997, Young and Justin Samuel conspired to travel in interstate commerce for the purpose of causing physical disruption to the functioning of animal enterprises by damaging property and causing the loss of animals and records, resulting in economic damage of more than \$10,000. The overt acts alleged in Count 5 involved mink farms including: the Turbak Mink Ranch, the Smieja Fur Farm, the Dittrich Minkery and the Ott Mink Farm. (Other victims named in the overt acts included: the Circle K Fur Farm, the Fassett Fur Farm and the Short Fur Farm; however, the government cannot prove by a preponderance of the evidence that these defendants were responsible for trespassing and destruction at those locations.) Count 6 pertained specifically to damages and losses caused to the Dittrich Minkery.
22. Breeding stock were released at all four victim farms. Mink which are set aside as breeders are more valuable than those sold for pelts. If a breeder mink is separated from its cage and accompanying tags, its identity and lineage cannot be determined and it is no longer useful as a breeder. Based on the declaration of victim loss forms submitted by the four victims and testimony taken at Justin Samuel's sentencing hearing on November 3, 2000, the Court found the total intended or unmitigated loss was \$569,372.<sup>1</sup> Some of the mink were recovered and were sold for pelts. The Court found the total loss for restitution purposes was \$364,106.

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<sup>1</sup>Assistant U.S. Attorney Robert Anderson's letter to the Court dated October 31, 2000, outlines in detail the government's calculations as to the unmitigated losses and the appropriate restitution for each victim fur farm. The Court deducted \$42,000 from the unmitigated loss to the Turbak Farm, having determined the value of each breeder mink was less than the \$200 estimate provided by the government. The Court also added \$6,740 to the Smieja Fur Farm's unmitigated loss based on a more specific declaration of loss from owner Josephine Smieja. The government's letter and Josephine Smieja's declaration are attached to this report for further detail.



23. Justin Clayton Samuel's Statements: In August 2000, codefendant Justin Clayton Samuel was interviewed by the FBI and testified before a grand jury. Samuel was interviewed by this writer during the course of his presentence investigation in September 2000.
24. Samuel stated he met Peter Young and Allison Porter in late 1996 or early 1997 while he was attending the University of Washington. All three were interested in animal rights. Samuel, Young and Porter all decided to purchase a car together for commuting purposes. They purchased the aforementioned red Geo Metro, which was titled in Porter's name. In August 1997, the three traveled in the car to northern California to visit Young's relatives.
25. Samuel stated that about nine months after he met Young, he approached Young and asked if he was interested in releasing mink from their cages. Samuel stated Young was hesitant at first but eventually stated he would be interested. Samuel stated that Allison Porter was not interested in direct involvement with the release of animals, but she gave her consent for them to use the Geo Metro.
26. Samuel stated that he and Young wanted to attack as many farms as quickly as possible before winter weather became a problem. Samuel and Young traveled through Idaho and Montana but did not begin releasing animals until they were in South Dakota. They worked from a list of fur farms in a booklet called "The Final Nail." Samuel stated they would visit a farm during the daytime and decide whether it was an appropriate target based on access, parking, the degree of isolation, and whether or not the property appeared to be guarded. The actual attacks on the farms occurred at night and took from one to four hours. Sometimes they cut the fence to open up more area from which the animals could escape. Samuel remembered that he and Young executed raids in South Dakota, Iowa and Wisconsin.
27. Samuel stated that after the police impounded their car in Sheboygan, they were told they were free to go. They accepted the officer's offer of a ride into town and called Allison Porter, who bought them bus tickets to Washington, D.C. Samuel stated he and Young split up in Washington. They assumed the police would get a warrant to search their car and that incriminating evidence would be seized. Allison Porter bought Samuel a plane ticket to Europe and gave him the address of someone with whom he could stay. He traveled throughout Europe and the Middle East and was ultimately arrested in Belgium in September 1999. Samuel stated he did not know where Peter Young went.
28. The defendant was arrested at a Starbucks coffee shop in San Jose, California, for attempting to shoplift eight identical music CDs. He identified himself as Simon William Zimbal and presented an identification card from Virginia in that name. During a search incident to his arrest, police found he had an unsigned Wells Fargo Visa credit/check card  
[REDACTED]  
A handcuff key was found taped to the inside of the defendant's belt. Through fingerprint records, the defendant was positively identified as Peter Daniel Young.
29. In the defendant's backpack, officers found three books: Evasion, Smash and Grab and The Age of Propaganda. Officers also found a paper labeled "Evasion" with information on how

to hide a handcuff key. Further investigation revealed Young had been residing at Apartment 7, 703 3<sup>rd</sup> Street, Santa Cruz, California, from about May 5, 2003, until the time of his arrest, using the name Simon Zimbal.

*Victim Impact*

30. The Mandatory Victims Restitution Act applies in this case. The Court held an evidentiary hearing at codefendant Justin Clayton Samuel's sentencing and determined that restitution was due to the victims in the following amounts. Samuel's restitution obligation was ordered to be joint and several with Peter Daniel Young in the event he was convicted.

<i>Name</i>	<i>Amount</i>
Eric Turbak	\$156,236.00
Josephine Smieja	57,980.00
Jack L. Dittrich	110,475.00
Alex Ott Jr.	8,601.00
Highlands Insurance Group (Re: Turbak - 10/17/97)	21,264.00
Highlands Insurance Group (Re: Smieja - 10/25/97)	6,500.00
Highlands Insurance Group (Re: Ott - 10/25/97)	3,050.00
<i>Total:</i>	\$364,106.00

31. The U.S. Attorney's Office reports that Samuel paid \$10,550 in restitution to date, and the last payment was received November 15, 2002.

*Adjustment for Obstruction of Justice*

32. The probation office has no information indicating the defendant impeded or obstructed the investigation or prosecution of this case.

*Adjustment for Acceptance of Responsibility*

33. Section 3E1.1 provides for a two-level decrease in the offense level if a defendant clearly demonstrates acceptance of responsibility for his offense and, for an offense of level 16 or greater, an additional one-level decrease if a defendant assisted the government in the investigation or prosecution of his own misconduct. The defendant entered into a plea agreement with the government well prior to the scheduled trial and admitted the conduct comprising the offense of conviction to the Court at the plea hearing. The probation office believes he qualifies for the two-level downward adjustment in § 3E1.1(a) and the additional one-level downward adjustment in subsection (b).



Offense Level Computation

34. In light of the Supreme Court's decision in *United States v. Booker*, 125 S. Ct. 738 (U.S. 2005), the sentencing guidelines are advisory. The Court will also consider the other factors and the statutory purposes of sentencing set out in 18 U.S.C. § 3553(a).
35. Section 1B1.11 states the Court shall use the guidelines manual in effect on the date of sentencing unless doing so would violate the ex post facto clause of the United States Constitution. The probation office believes the use of the current manual would result in a higher guideline range. Therefore, the November 1995 guidelines manual and amendments through May 1, 1997, are used.

Count 5 - Conspiracy to Travel in Interstate Commerce to Commit Animal Enterprises TerrorismCount 6 - Travel in Interstate Commerce to Commit Animal Enterprises Terrorism

36. Counts 5 and 6 are grouped under § 3D1.2(b) because they involve the same victims and two or more acts or transactions connected by a common criminal objective or constituting part of a common scheme or plan.
37. **Base Offense Level:** The guideline for violation of 18 U.S.C. § 43(a) is § 2B1.3. According to § 2B1.3(a), the base offense level is four. 4
38. **Specific Offense Characteristic:** Section 2B1.3(b)(1) states that if the loss exceeded \$100, we are to increase the offense level by the corresponding number of levels from the table in § 2B1.1. As noted in paragraph 22, the Court has previously found the intended loss in this case was approximately \$569,372. According to § 2B1.1(b)(1)(M), 12 levels are to be added when the offense involved losses of more than \$500,000 (but not more than \$800,000). +12
39. **Specific Offense Characteristic:** Section 2B1.3(b)(3) states that if the offense involved more than minimal planning, two levels are added. As defined in § 1B1.1, Note 1(f), more than minimal planning "means more planning than is typical for commission of the offense in a simple form," "exists if significant affirmative steps were taken to conceal the offense," and "is deemed present in any case involving repeated acts over a period of time, unless it is clear that each instance was purely opportune." In this case, the offense involved repeated acts over a period of time, each of which was not purely opportune. Therefore, the two-level increase applies. +2
40. **Victim-Related Adjustment:** None. 0
41. **Adjustment for Role in the Offense:** None. 0
42. **Adjustment for Obstruction of Justice:** None. 0
43. **Adjusted Offense Level (Subtotal):** 18

44. *Adjustment for Acceptance of Responsibility:* The probation office recommends the two-level downward adjustment in § 3E1.1(a) and the additional one-level downward adjustment in subsection (b). -3
45. *Total Offense Level:* 15

Offense Behavior Not Part of Relevant Conduct

46. None known.

**PART B. THE DEFENDANT'S CRIMINAL HISTORY**

47. Computerized records checks were conducted with the FBI, NCIC and Crime Information Bureaus in Washington, California, Wisconsin and Virginia. The U.S. Probation Offices in the following districts provided information concerning the defendant's arrest record in their areas: Western District of Washington, Eastern District of California, Northern District of California and Eastern District of Virginia.

Juvenile Adjudication

	<u>Date of Arrest</u>	<u>Charge/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Points</u>
48.	Offense dates: 09/30/92 and 10/08/92 (age 15)	Forgery/Superior Court for King County, WA (93-8-02697-0)	07/12/93: 12 months supervision, 32 hours community service, 2 days detention.	§ 4A1.2(d)(2)(B) § 4A1.1(c)	<u>I</u>

The defendant was represented by counsel. The information reflects the defendant forged

terms of supervision and completed the sentence without incident.

Adult Criminal Conviction

	<u>Date of Arrest</u>	<u>Conviction/Court</u>	<u>Date Sentence Imposed/Disposition</u>	<u>Guideline</u>	<u>Points</u>
49.	03/15/96 (age 18)	Theft - 3 <sup>rd</sup> Degree/ District Court for King County, WA (M1C0808979)	06/13/97: 365 days jail suspended; \$5,000 fine with \$4,900 suspended; 12 months probation; 50 hours community service.	§ 4A1.1(c)	<u>I</u>

The defendant was represented by counsel. No further information is available about the offense. Young recalls that one of his arrests for third degree theft was for taking bottles from a recycling bin behind a store, and another was for stealing a loaf of bread.



50.	10/17/96 (age 19)	Malicious Mischief - 3 <sup>rd</sup> Degree/ District Court for King County, WA (M1C081605)	<u>06/13/97</u> : 90 days jail suspended; 50 hours community service; 12 months probation; \$1,000 fine with \$950 suspended.	§ 4A1.1(c)	<u>I</u>
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The defendant was represented by counsel.

51.	03/04/97 (age 19)	Theft - 3 <sup>rd</sup> Degree/ District Court for King County, WA (M1C081604)	<u>06/13/97</u> : 365 days jail with 362 days suspended; \$5,000 fine with \$4,800 suspended; 12 months probation; 50 hours community service.	§ 4A1.1(c)	<u>I</u>
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The defendant was represented by counsel.

52.	03/21/05 (age 27)	Petty Theft; False Name to Peace Officer; Acquiring and Retaining Possession of an Access Card with Intent to Use/Sell or Transfer It; Display/Possess False License; Buying or Receiving Stolen Property/ Superior Court for Santa Clara County, CA (CC586166)	<u>05/05/05</u> : 59 days jail (time served), 3 years probation, each count, concurrent.	§ 4A1.1(c)	<u>I</u>
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The defendant was represented by counsel. He was arrested at a Starbucks coffee shop at The Alameda in Santa Cruz for attempting to shoplift CDs valued at \$138.13. He identified himself as Simon William Zimbal and presented an identification card from Virginia in that name. During a search incident to his arrest, police found an unsigned Wells Fargo Visa credit/check card in the name of [REDACTED]. A handcuff key was taped to the inside of his belt. Through fingerprint records, the defendant was positively identified as Peter Daniel Young.

Criminal History Computation

53. The criminal convictions above result in a subtotal criminal history score of four, because only a total of four points may be counted under § 4A1.1(c). 4
54. The defendant was serving a 12-month term of probation, imposed in King County, Washington, on June 13, 1997, when he committed the instant offense. Therefore, two points are added under § 4A1.1(d). +2
55. The defendant never served a sentence of imprisonment counted under § 4A1.1(a) or (b). Therefore, no points are added for recency under § 4A1.1(e). 0
56. The total of the criminal history points is six. According to the Sentencing Table (Chapter Five, Part A), this places the defendant in Criminal History Category III.

Other Criminal Conduct

57. None.

Pending Charges

58. Superior Court for Yolo County, California - Case No. 97-4958: On April 20, 1997, Peter Daniel Young was arrested at the University of California - Davis, Primate Center, during an animal rights protest action. The criminal complaint filed on July 11, 1997, charged Young with: riot; trespass; unlawful assembly; failure to disperse; interference with peaceful conduct of campus activities; failure to leave or returning within seven days to school property. Court records reflect Young's initial appearances in the case were made by counsel. On April 14, 1998, a bench warrant was issued, and it remains active. Bail is set at \$5,000.
59. District Court for Spotsylvania County, Virginia: On May 18, 2005, three felony warrants were issued for the arrest of Peter Daniel Young, a/k/a Simon William Zimbal. The warrants charge the defendant with forgery, uttering a forged document and unlawfully obtaining a document. According to the investigative agent, on March 1, 2003, the defendant presented a forged document to obtain a Virginia Department of Motor Vehicle identification card in the name of Simon William Zimbal. The Commonwealth Attorney's Office has authorized the defendant's extradition from anywhere in the United States to face these charges. The defendant is expected to plead guilty to the charges per a plea agreement.

Other Arrests

	<u>Date of Arrest</u>	<u>Charge</u>	<u>Agency</u>	<u>Disposition</u>
60.	10/29/92 (age 15)	Burglary - 2 <sup>nd</sup> Degree	Police Department, Mercer Island, WA	No prosecution.

Due to the date of the incident, the police report is no longer available.

61. 10/16/96 3<sup>rd</sup> Degree Theft Police Department, Dismissed per  
(age 19) (M1C081572) Mercer Island, WA plea agreement.

Due to the date of the incident, the police report is no longer available.

62. 06/19/97 2<sup>nd</sup> Degree Criminal Burlington Northern Dismissed.  
(age 19) Trespass Railroad Police, WA

Due to the date of the incident, the police report is no longer available.

63. 08/30/97 Possession of Stolen Police Department, Dismissed.  
(age 20) Property (970037762); Mercer Island, WA  
1<sup>st</sup> Degree Criminal  
Trespass (M1C082544)

According to the Mercer Island police report which was obtained during the course of Justin Samuel's presentence investigation, Justin Samuel, Nathan Brasfield, Allison Porter and Peter Daniel Young were occupying a vacant house owned by the Washington State Department of Transportation. Numerous items were found in the house, including tools and gear which had been reported stolen from Waterfront Construction, Inc.'s work barge several weeks earlier.

### PART C. OFFENDER CHARACTERISTICS

#### Personal and Family Data

64. Peter Daniel Young was born on June 26, 1977, in Los Gatos, California, the elder of two [REDACTED] As a young child, he lived in Los Gatos and Scott's Valley, near Santa Cruz, California. In 1986, the family moved to the Seattle, Washington, area, where Young's paternal [REDACTED]

65. [REDACTED]

66. Young remained in the Seattle area until 1997. He declined to discuss his personal activities from 1997 through his arrest in San Jose, California, in March 2005. Young's mother states that he was out of contact with his family during the time he was a fugitive. His father states he last saw the defendant about a week prior to his indictment in September 1998. Both parents have been in contact with the defendant since his arrest and believe he has matured a great deal. They believe he understands that he can support animal rights without breaking the law.



67.



68. Young states he has never been married and has no children. He states he is not currently involved in a significant relationship.

Physical Condition

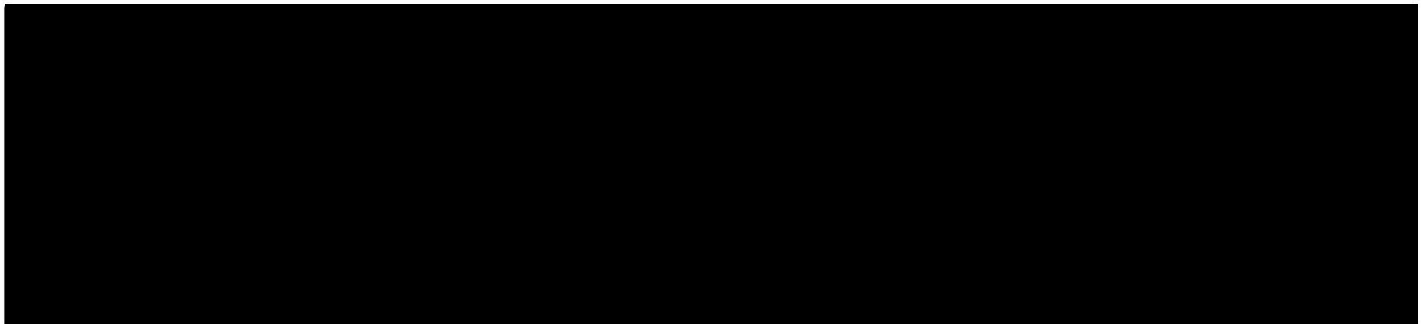
69. Peter Daniel Young is a Caucasian male who is 6' tall, weighs 160 pounds, and has hazel eyes and brown hair. He has no scars, tattoos or other distinguishing physical characteristics. Young states his physical health is "fine" and he has no communicable disease. He states he has been a strict vegetarian for 11 years and is prescribed vitamin B-12 supplements to maintain healthy nutrition.

Mental and Emotional Health

70. Young is in good mental health and states he has never sought treatment from a mental health professional. He states he has never suffered from long-term depression or anxiety and has never been suicidal. Young states he is able to cope well with incarceration because he has lots of support and his friends send him books to read.

Substance Abuse

71. Young states he used alcohol from age 16 to 17 and estimates he was intoxicated on about four occasions. He states he stopped drinking at 17 and never used controlled substances because he did not want to hinder his ability to learn, and he felt revulsion for "the party crowd." Young's mother states he is "fanatical" about abstinence from alcohol and drugs.



Employment Record

73. Social Security records reflect that Peter Young had no reported wages from 1998 through 2004. He declined to discuss how he supported himself during this period. Young's prior work record consisted of part-time jobs while in high school at a dry cleaner, a grocery store, a bowling alley and an arcade.

Financial Condition: Ability to Pay

74. Peter Young submitted a written financial statement reflecting *no liabilities*, and he has no credit history. He states his *assets* include about \$100 in his inmate account and about \$200 in a savings account that was established while he was in high school.

Net Worth

**\$300.00**

75. Attorney Christopher Kelly has been retained to represent Young in this case. Young states the retainer was paid through donations from animal rights supporters. There is an internet website, [www.supportpeter.com](http://www.supportpeter.com), which states that donations may be sent to: Peter Young Support Fund, 740A 14th Street, #237, San Francisco, California 94114.
76. The probation office concludes the defendant has neither the personal means nor earning potential to pay a fine under § 5E1.2(c) without impairing his ability to pay the mandatory restitution and to support himself upon release.

**PART D. SENTENCING OPTIONS**Custody

77. **Statutory Provisions:** The maximum term of imprisonment for each count is one year, according to 18 U.S.C. §§ 2 and 43(a).
78. **Guideline Provisions:** Pairing the total offense level of 15 with Criminal History Category III results in a guideline imprisonment range of 24 to 30 months. However, according to § 5G1.1(c)(1), the guideline range is limited by the statutorily authorized maximum sentence for the two counts of 24 months.

Impact of Plea Agreement

79. The defendant entered into a plea agreement calling for him to plead guilty to Counts 5 and 6 of the indictment; Counts 1 through 4 had already been dismissed. The counts embody all known relevant conduct. The plea agreement contains only non-binding recommendations and does not undermine the statutory purposes of sentencing.
80. Paragraph 9 of the plea agreement in this case states that the defendant has also reached a separate plea agreement with the Commonwealth of Virginia relating to his pending charges in Spotsylvania County. Young will reportedly plead guilty to one count of forging a public document, and the two remaining counts will be dismissed. The parties will reportedly agree to recommend a five-year sentence with four years suspended and that the remaining year will be served concurrently with the defendant's federal sentence. The plea agreement in U.S. District Court is not contingent upon Young pleading guilty in Virginia.



Supervised Release

81. **Statutory Provisions:** According to 18 U.S.C. § 3582(b)(3), the maximum term of supervised release for each of these Class A misdemeanors is one year.
82. **Guideline Provisions:** Because the offenses of conviction are Class A misdemeanors, the guideline term of supervised release is one year, according to § 5D1.2(a)(3).

Probation

83. **Statutory Provisions:** The defendant is eligible for probation by statute, according to 18 U.S.C. § 3561.
84. **Guideline Provisions:** According to § 5B1.1, Note 2, because the applicable guideline range is in Zone D of the Sentencing Table, the guidelines do not authorize a sentence of probation.

Supervision Plan

85. Collection of restitution will be of primary concern. Young will be required to hold full-time employment during the term of supervision. He will be required to provide the probation officer with any and all requested financial information and to pay restitution in monthly installments based on his financial situation. He will be required to register with local law enforcement authorities and the state attorney general to assist in monitoring his activities in the community. Young will be required to submit his person, residence, office or vehicle to a search at a reasonable time and in a reasonable manner whenever the probation officer has reasonable suspicion of contraband or evidence of a violation of a condition of release and to advise any other residents that the premises may be subject to searches.

Fines

86. **Statutory Provisions:** The maximum fine is \$100,000 per count, according to 18 U.S.C. § 3571(b)(5).
87. A criminal assessment penalty of \$25 per count, for a total of \$50, is mandatory, pursuant to 18 U.S.C. § 3013.
88. **Guideline Provisions:** The fine range is from \$4,000 to \$40,000 according to § 5E1.2(c)(1) and (2).

Restitution

89. Restitution in the amount of \$364,106.00 should be ordered payable to the Clerk of Court for the Western District of Wisconsin for disbursement to the victims listed in Appendix A. The restitution obligation should be ordered joint and several with Justin Clayton Samuel, and it is noted that \$10,550.00 has been paid toward the obligation to date.

**PART E. FACTORS THAT MAY WARRANT DEPARTURE OR VARIANCE**

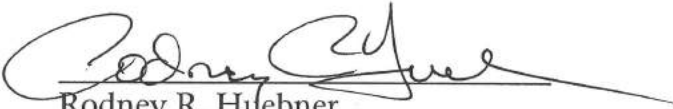
90. Presentation of information in this section does not necessarily constitute a recommendation by the probation officer for a departure or variance from the advisory guideline range.
91. After review of §§ 2B1.3, 2B1.1, 5H and 5K and 18 U.S.C. § 3553(a), we note no factors that warrant departure or variance from the advisory guideline range.

Respectfully submitted,



Leslyn Amthor Spinelli  
Senior U.S. Probation Officer  
October 7, 2005

Reviewed and Approved by:



Rodney R. Hulebner  
Asst. Deputy Chief U.S. Probation Officer

LAS/joe

*Appendix A*  
*Peter Daniel Young*  
*Docket No. 98-CR-91-X-01*

<i>Name</i>	<i>Amount</i>
Eric Turbak	\$156,236.00
Josephine Smieja	57,980.00
Jack L. Dittrich	110,475.00
Alex Ott Jr.	8,601.00
Highlands Insurance Group (Re: Turbak - 10/17/97)	21,264.00
Highlands Insurance Group (Re: Smieja - 10/25/97)	6,500.00
Highlands Insurance Group (Re: Ott - 10/25/97)	3,050.00
<i>Total:</i>	\$364,106.00





U. S. Department of Justice

FILE COPY

United States Attorney  
Western District of Wisconsin

Suite 200, City Station  
660 W. Washington Avenue  
P.O. Box 1585  
Madison, WI 53701-1585

608/264-5158  
TTY 608/264-5006  
FAX 608/264-5054

October 31, 2000

The Honorable Stephen L. Crocker  
United States Magistrate Judge  
120 North Henry Street  
Room 540  
Madison, WI 53703

Re: United States v. Justin Clayton Samuel  
Case No. 00-78M-X-01

Dear Magistrate Judge Crocker:

I am writing this letter in response to the objections offered by Justin Samuel's attorney, Dennis Coffey, with regard to the calculation of losses suffered by the fur farmers. It is also my hope that this letter will not only outline the position of the government concerning these issues at sentencing, but may also offer a reasonable means for the court to employ calculations for loss and the calculation of restitution.

The defendant has objected to the loss and offense level computations based upon those calculations within the presentence investigation. The primary objection which resonates through each of the victim's calculations is the contention that there is no foundation for setting the value of a breeder mink at \$200.00 per mink. This correspondence and its attachments, which the government will offer at sentencing, will establish the foundation for a reasonable estimation of the value of a mink used for breeding at \$200.00 apiece.

There are two different values to be used for the mink losses involved in this offense. The first value is what each mink was worth if they were pelted out for their fur. Obviously, once pelted out, the mink are no longer valued for breeding purposes. The second value to be used in calculating losses is the value of mink that would have been used as breeding stock to produce further mink of a desired quality. The value of breeder mink is greater than the value of those mink used for pelts.

The defendant does not appear to contest the estimated pelt value of each type of mink which has been approximated in the presentence investigation. He only takes issue with the breeding value assigned to the loss of breeding mink in the calculations.

In this regard, while contending that there is no foundation for the presentence investigation's use of the \$200.00 figure, apart from information received directly from the farmers, he has submitted a North American Fur Auctions summary of prices paid for various mink in the most recent fur auction. He argues for example, that the average price of a Blue Iris male was \$45.91 with a top price of \$130.00. What the defendant fails to take into account is that these figures from North American Fur Auctions are for the "pelts" of animals, not for live "breeding" animals themselves. North American Fur Auctions does not deal in live breeding animals or the sale of live animals. For this reason it would be erroneous to take the \$130.00 top figure as a value for live breeding mink.

To accurately estimate the breeding value of mink, the United States will offer testimony at sentencing that establishes that the value of live breeder mink is typically anywhere from three to five times their pelt value. Furthermore, the attached exhibits from two farms which supply breeder mink, the Zimbal Minkery in Oostburg, Wisconsin and the Lodder Fur Farm in Kaysville, Utah, establish that Blue Iris mink (depending upon sex) can range anywhere from a low end of \$155.00 to a high end of \$345.00. The Olsons are connected with the Smeija Fur Farm. According to the statement of Chuck Lodder from the Lodder Fur Farm, the Olson's purchased fifty Blue Iris mink in 1997 for a total of \$10,000.00, which is precisely \$200.00 per breeding mink.

Due to the fact that the mink are not tagged or physically marked in any way which could damage their pelt value, the only means of identifying which mink belonged to which breeding line is by the segregation of the mink in cages which contain identifying information. Once the mink are released from their cages in large groups, there is no way to identify which mink belonged to which cage, therefore, any possible identification and segregation of the mink for breeding purposes is lost. This means that the farmers can only pelt the mink and retrieve whatever pelt value those mink hold. The breeding value is lost. As the witness that the government will present at the sentencing will explain, there is only one insurance company which insures fur farmers and they only insure the pelt value of the mink, not the value of lost breeding stock which is essential to the farm. Therefore, the insurance coverage does not adequately place the farmers back in the position they were before the terrorist attack on farms has occurred.



The following are the calculations of the United States regarding the losses to each of the identified farmers or ranches:

#### Turback Mink Ranch

- 2400 mink total released from three sheds.	
- 1800 recovered.	
- 1200 breeders lost at \$200.00 each.	\$240,000.00
- Less mitigated pelt value recovery, 1200 at \$35.00 each.*	- \$ 42,000.00
- 600 not recovered, loss at \$35.00 pelt value.	+ \$ 21,000.00
- Fence repair.	+ \$ 500.00
- Total loss.	\$219,500.00

#### Smeija Fur Farm

In the Smeija Fur Farm raid there were two distinct areas from which mink were released. In the FBI report of interview with Broney Matchey, Manager at the Smeija Fur Farm, Matchey described that one shed area contained 352 cages, each containing a male and female Blue Iris mink which were released, for a total of 704 mink. Matchey described a second area where 30 cages were opened also containing a male and female Blue Iris mink, for another 60 mink released. The 30 cage section was already a segregated, previously identified breeding mink stock, so these are clearly a loss of 60 mink at the breeding value. The larger section containing the 704 mink which were released had been graded for breeding purposes within the immediate days preceding the release. According to Tom Olsen, Manager of the Smeija Fur Farm, approximately forty to forty-five percent of the mink that were released from this section were identified as potential breeding stock mink. Based upon this estimate, the numbers in the presentence do need to be adjusted.

- 704 less 40% as breeders, is $704 - 282 = 422$	
having pelt value at \$45.00 each.	\$ 18,990.00
- 282 breeder mink from main section plus 60 mink from segregated section equals 342 breeder mink. 342 breeder mink at \$200.00.	+ \$ 68,400.00
- Total value of mink released.	\$ 87,390.00
- 104 not recovered = 660 recovered at \$45.00 pelt value.*	- \$ 29,700.00
- Total mitigated loss.	\$ 57,690.00

#### Dittrich Minkery

2500 mink were released according to Jack L. Dittrich's statement to FBI

+ 6740

Agent Norman Brunner on October 27, 1997. According to Jack Dittrich, approximately twenty-five percent of those mink would have been used for breeding purposes.

- 625 breeders at \$200.00 each.	\$125,000.00
- Remaining 1875 mink at \$45.00 pelt value.	+ \$ 84,375.00
- Total value of mink released.	\$209,375.00
- Less value of 2220 mink recovered and pelted at \$45.00.*	- \$ 99,900.00
- Pen and fence damage.	+ \$ 1,000.00
- Total mitigated loss.	\$110,475.00

#### Ott Mink Farm

- 308 female mink released, 25% of which would have been used as breeders. Alex Ott estimated that his breeders cost was \$150.00 each. They were not Blue Iris.	
- 308 less 25% = 77.	
- 231 at pelt value \$27.00.	\$ 6,237.00
- 77 at breeder value of \$150.00.	+ \$ 11,550.00
- Total value of mink released.	\$ 17,787.00
- Less pelt value of 238 recovered.*	- \$ 6,426.00
- Total mitigated loss of mink.	\$ 11,361.00
- Other costs of mink recovery.	+ \$ 290.00
- Total mitigated loss to farm.	\$ 11,651.00

If the court totals up these mitigated losses it would reach a figure of \$399,316.00, well within the range determined by the presentence investigation.

\*The United States would note; for the purpose of further observing the reasonable nature of these figures, that while calculating the amount of restitution may necessitate the use of mitigated loss figures, the calculation of the offense conduct using the amount of potential loss or harm to the farmers would not necessitate use of mitigated loss figures. In other words, in determining the defendant's offense range based on loss, the sentencing guidelines do not call for a calculation of how the victim mitigated the damages of the defendant's intended harm to the victim. Rather, the defendant might appropriately be sentenced for the full value of his intended loss to the victim if his plan had been successful. Using the unmitigated potential losses:

The Turback Farm lost 1200 breeders at \$240,000.00 and 1200 mink at \$42,000.00 for a total of \$282,000.00.	\$282,000.00
---	--------------

October 31, 2000

Page 5

The Smeija Fur Farm had total losses of \$87,390.00. \$ 87,390.00

The Dittrich Farm had total potential losses of \$209,375.00 plus the additional \$1,000.00 for the fence, for a total of \$210,375.00. \$210,375.00

The Ott Farm had total possible losses of \$17,787.00 plus \$290.00 for other expenses or \$18,077.00 total. \$ 18,077.00

Total unmitigated potential losses \$597,842.00. \$597,842.00

The United States raises this alternative means of calculation not as an objection to the current guideline figure calculated by the presentence investigation, but as a demonstration of the reasonableness of that figure. However, should the defendant challenge his sentence on appeal and successfully have this matter remanded for re-sentencing, the United States does reserve the right to argue the propriety of the alternative calculation.

Respectfully submitted,

PEGGY A. LAUTENSCHLAGER  
United States Attorney

By: 

ROBERT A. ANDERSON  
Assistant U.S. Attorney

RAA/js

Enclosures

cc: Leslyn Spinelli  
U.S. Probation

Dennis Coffey  
Attorney for Defendant





# Zimbal Minkery

ROBERT J. ZIMBAL  
6020 Wilson Lima Rd.  
Oostburg, WI 53070  
Phone 564-2118  
FAX 414-564-2788  
422

ALEUTIAN DISEASE FREE HERD SINCE 1979 WHEN CEP TESTING BEGAN  
PRICES GOOD UNTIL NOV. 10, 1998 SOME QUANTITIES MAY BE LIMITED

		PASTEL	DARK MAHOGANY	VIOLET BLUE IRIS SAPPHIRE
UNDER 10	FEMALES EACH	\$165.00	\$180.00	\$215.00
	MALES EACH	\$265.00	\$280.00	\$315.00
	BRED FEMALES EACH	\$295.00	\$310.00	\$345.00
DEDUCT \$20.00 EACH FOR CRATES & HANDLING IF YOU PICK UP WITH YOUR OWN CRATES				
10-39	FEMALES EACH	\$140.00	\$155.00	\$190.00
	MALES EACH	\$240.00	\$255.00	\$290.00
	BRED FEMALES EACH	\$270.00	\$285.00	\$320.00
DEDUCT \$12.00 EACH FOR CRATES & HANDLING IF YOU PICK UP WITH YOUR OWN CRATES				
40-99	FEMALES EACH	\$125.00	\$140.00	\$175.00
	MALES EACH	\$215.00	\$230.00	\$265.00
	BRED FEMALES EACH	\$245.00	\$260.00	\$295.00
DEDUCT \$7.00 EACH FOR CRATES & HANDLING IF YOU PICK UP WITH YOUR OWN CRATES				
100-249	FEMALES EACH	\$115.00	\$130.00	\$165.00
	MALES EACH	\$190.00	\$205.00	\$240.00
	BRED FEMALES EACH	\$220.00	\$235.00	\$270.00
DEDUCT \$5.00 EACH FOR CRATES & HANDLING IF YOU PICK UP WITH YOUR OWN CRATES				
250-999	FEMALES EACH	\$105.00	\$120.00	\$155.00
	MALES EACH	\$165.00	\$180.00	\$215.00
	BRED FEMALES EACH	\$195.00	\$210.00	\$245.00
DEDUCT \$5.00 EACH FOR CRATES & HANDLING IF YOU PICK UP WITH YOUR OWN CRATES				

UNITED STATES DISTRICT COURT  
for the  
WESTERN DISTRICT OF WISCONSIN

Declaration of Victim Losses

United States )

vs. )

Justin Clayton Samuel )

00-0078M-X-01

(Docket No.)

I, Eric and Kathleen Turbak, residing at 202 St. Joseph St. NW,  
in the city (or county) of Kranzburg, in the state of South Dakota,  
am a victim in the above referenced case and I believe that I am entitled to restitution in the total  
amount of \$ 261,500.

My specific losses as a result of this offense are summarized as follows:

Breeding stock (1200 mink released + records lost) valued @ \$200 =	\$240,000.
Additional mink lost or killed (600) valued @ \$35 ea.	= 21,000.
Guard fence damaged	= 500.
	<u>261,500.</u>

Yes I have been compensated by insurance of another source with respect to all or a portion  
of my losses in the amount of \$ 21,000. The name and address of my insurance company  
and the claims number are as follows:

Fitzgerald, Clayton James & Kasten, Inc.

735 North Water Street, Suite #1328

Milwaukee, WI 53202-4117

Claim date  
10/17/97

I declare under penalty of perjury that the foregoing is true and correct.

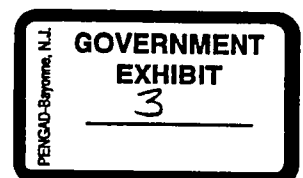
Eric Turbak  
Signature

Executed on

21 day of Sept 2000

were those  
sold for pelts?  
If so, offset  
amount?

(Additional Pages May be Attached)



From: "Leslie Andrews" <lesliea@cruzio.com>  
Subject: MEDIA INQUIRY:  
Date: Thu, April 14, 2005 6:42 pm  
To: info@supportpeter.com

This is actually not a media inquiry.

I happen to be the owner of a building that Peter was renting an apartment in when he got arrested. The FBI has taken all the things that they wanted but now Peter's personal belongings are left. Rather than sell them which we are going to have to do I thought I'd contact you guys and tell you that if his parents (or other interested party with written permission from him) want to come and get his personal belongings that they should contact Chris McCormick at Santa Cruz Property management, 831-462-6424. This should be done right away as we need to get the apartment re-rented and can't with his stuff in it. I'd hate to see him lose his stuff if he still wants it.

Download this as a file

4/14/2005 7:31 PM

## LOSS CALCULATIONS

COUNT 1 Conspiracy in violation of 18 U.S.C. 1951 and overt acts in furtherance of the conspiracy.

Overt Act (a) On or about October 16, 17, 1997 trespassed onto Turbak Mink Ranch in Watertown, South Dakota and released approximately 2400 mink.

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition the value potential loss could have been \$50,000.00.

Total: **\$50,000.00**

Overt Act (e) On or about October 16, 17, 1997 trespassed onto Circle K Fur Farm, Sioux City, Iowa and released approximately 2000 mink and numerous foxes.

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition states that approximately 3000 mink and numerous foxes released and potential loss could have exceeded \$310,00.00.

Total: **\$310,000.00**

Over Act (f) On or about October 21, 1997 trespassed onto property of Fassett Fur Farm in Webster City, Iowa and destroyed tags and identification and breeding information and unsuccessfully attempted to release mink from the cages.

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition states that destruction of information caused economic loss to Fassett Farm of approximately \$500.00.

Total: **\$500.00**

Overt Act (h)      **[Same as Count 2]** On or about October 25, 1997, trespassed onto Smieja Fur Farm in Independence, Wisconsin, cut fence and released approximately 800 breeding stock mink. where indictment states loss is approximately \$200,000.00.

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition states that caused economic loss to Smieja Fur Farm of approximately \$171,900.00.

Total:                      **\$200,000.00**

Over Act ( I )      **[Same as Count 3, 4]** with respect to Dittrich Minkery in Medford, Wisconsin were 2500 mink released plus 350 mink released from the Ott Mink Farm in Tomahawk, Wisconsin

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition states potential loss for 2500 mink from Dittrich Minkery to exceed \$25,000.00.

Total:                      **\$25,000.00.**

September 29, 1999 declaration of AUSA Robert Anderson in support of extradition states potential loss for Ott Mink Farm could have exceeded \$99,588.00

Total:                      **\$99,588.00**

COUNT 2      October 25, 1997, Smieja Farm, Independence, Wisconsin cut and knocked down 30 feet of fencing and released 800 Blue Iris mink valued at **\$200,000.00 [\$171,900.00]**

Note: In September 29, 1999 declaration of AUSA Robert Anderson in support of extradition the value is placed at \$171,900.00

COUNT 3      October 26, 1997, Dittrich Minkery Farm, Medford, Wisconsin cut outer perimeter fence and released 2500 mink with potential value in excess of **\$25,000.00**



- COUNT 4    October 26, 1997, Ott Mink Ranch, Tomahawk, Wisconsin opened fence and released approximately 350 mink whose total potential loss could have exceeded **\$99,588.00.**
- COUNT 5    Conspiracy between October 17, 1997-October 29, 1997, to travel in interstate commerce to cause more than \$10,000.00 damage to animal enterprises.
- COUNT 6    October 26, 1997 travel in interstate commerce for purpose of causing more than \$10,00.00 damage to enterprises.

### **LOSS CALCULATIONS**

Turbak Mink Ranch in Watertown, South Dakota	\$50,000.00 -
Circle K Fur Farm, Sioux City, Iowa	\$310,000.00 -
Fassett Fur Farm in Webster City, Iowa	\$500.00 -
Smieja Fur Farm in Independence, Wisconsin	\$200,000.00 -
Dittrich Minkery in Medford, Wisconsin	\$25,000.00 -
Ott Mink Farm in Tomahawk, Wisconsin	<u>\$99,588.00 -</u>
<b>Total Loss</b>	<b>\$868,088.</b>

Note: Thea above loss calculations exclude uncharged “Relevant Conduct” losses that government could attempt to introduce at sentencing)

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF SPOTSYLVANIA  
AT ITS CRIMINAL TERM COMMENCING**

March 20, 2006

**Direct Indictment**

**Commonwealth of Virginia,**

**v.**

**PETER DANIEL YOUNG**

**Race: White Sex: Male DOB: 06/26/1977**

**Hgt: 6'0" WGT: 150 lbs. Eyes: Brown Hair: Brown**

**SSN: 537-21-7716**

**Defendant**

**Unlawful Obtaining of DMV Documents**

**VCC Number: DMV-6840-M2**

The Grand Jurors of the Commonwealth of Virginia and of the County of Spotsylvania, attending the Court aforesaid, upon their oaths present that, in the County of Spotsylvania,

**PETER DANIEL YOUNG** On or about the 1st day of March, 2003 did unlawfully and feloniously obtain a Virginia driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department without having satisfied all legal and procedural requirements for the issuance thereof, or when otherwise not legally entitled thereto, including obtaining any document issued by the Department through the use of counterfeit, forged or altered documents, in violation of Section 46.2-105.2 of the Code of Virginia, 1950, as amended.

Punishment: (Class 6 Felony) A term of imprisonment of not less than 1 year nor more than 5 years; or confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.

**Grand Jury Witness: Special Agent R. C. Knick  
Department of Motor Vehicles**

**A True Bill**

**Not A True Bill**

*Joey R. Self*  
\_\_\_\_\_  
**Foreman of the Grand Jury**

3009

VIRGINIA:

IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY

HEARING DATE: MAY 30, 2006

JUDGE: THE HONORABLE GEORGE MASON, III

COMMONWEALTH

V

PETER DANIEL YOUNG

ALIAS: none

DOB: 6-26-77

SSN: 537-21-7716

SSI No.:-----

RACE: W

SEX: M

CASE NUMBER	OFFENSE DESCRIPTION AND INDICATOR (F/M)	OFFENSE DATE	VA. CODE SECTION
CR06-412	Unlawful Obtaining of DMV Documents (F)	3-1-03	46.2-105.2
		VCC NO: DMV-6840-M2	

CONVICTION AND SENTENCING ORDER

On May 30, 2006, came Matthew Lowery, the Assistant Attorney for the Commonwealth and Peter Daniel Young, who stands indicted for felonies to-wit: One Count of Unlawful Obtaining of DMV Records and Two Counts of Forgery of a Public Record as charged in the Indictments, appeared in the custody of the sheriff and came also his attorney, Timothy Wall, heretofore retained.

Pursuant to an agreement reached between the Commonwealth and the defendant, the Assistant Attorney for the Commonwealth moved the Court to Nolle

6-13-06  
P+P  
Jail  
Doc  
S

Prose the Indictments charging Two Counts of Forgery of a Public Record.

Without objection from the defendant or his counsel of record, the Court granted the motion and the Indictments charging Two Counts of Forgery of a Public Record are hereby Nolle Prose. (CR06-411 & CR06-414).

Today, May 30, 2006, pursuant to the Plea Agreement reached between the Assistant Attorney for the Commonwealth, the defendant and his counsel of record, the defendant moved the Court to change his plea to the Indictment charging One Count of Unlawful Obtaining of DMV Documents from "Not Guilty" to "Guilty" and the defendant was again arraigned and after private consultation with and being advised by his said counsel, pled Guilty to One Count of Unlawful Obtaining of DMV Documents and the Court having made inquiry and being of the opinion that the accused fully understood the nature and effect of his plea and of the penalties that may be imposed upon his conviction and of the waiver of trial by jury and of appeal and finding that the plea was knowingly, voluntarily and intelligently made, and the Court having been advised by the defendant, his counsel and the Assistant Attorney for the Commonwealth that there has been a plea agreement in this case, and such agreement presented to the Court and the stipulation of the Commonwealth's evidence, and none being offered on behalf of the defendant, the Court does hereby accept the agreement and the plea of guilty of the defendant.

The court hereby asks the defendant whether he desired to address the Court or to advance any reason why he should not be sentenced today. The defendant did not make a statement.

The defendant through his attorney and the Commonwealth both waived a Pre-Sentence report being prepared prior to sentencing.

After considering the evidence in this case, it is accordingly the judgment of this Court that the Court hereby finds the defendant guilty of One Count of Unlawful Obtaining of DMV Documents (Virginia Code Section 46.2-105.2) and hereby sentences the defendant to incarceration with the Virginia Department of Corrections for a term of Five (5) years, with Four (4) years suspended. The suspended sentences are conditioned upon the defendant's good behavior for 10 years.

The one (1) year active portion of the sentence is to run concurrently with the defendant's federal sentence arising from his 1997 offenses.

It is further understood and agreed that the defendant, as a condition of his suspended sentence and plea agreement, hereby waives his Fourth Amendment rights against unreasonable searches and seizures at any time and by any law enforcement officer during the period of 10 years.

As a condition of the defendant's sentence, the defendant shall forthwith have a sample of blood taken for DNA analysis, pursuant to Virginia Code Section 19.2-310.2, et seq, and shall fully cooperate in such procedure under the direction of his probation officer.



SENTENCING SUMMARY:

TOTAL SENTENCE IMPOSED: 5 YEARS

TOTAL SENTENCE SUSPENDED: 4 YEARS

EFFECTIVE SENTENCE TO SERVE: 1 YEAR

ENTER: , JUDGE  
GEORGE MASON, III

DATE: 6/9/06

VIRGINIA:

IN THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY

COMMONWEALTH OF VIRGINIA

v.

PETER DANIEL YOUNG,

Defendant

**PLEA AGREEMENT**

1. My name is PETER DANIEL YOUNG and my age is 28 years.
2. I am represented by counsel whose name is Timothy J. Wall, Esquire, and I am satisfied with his services as an attorney.
3. I have received a copy of the warrant(s) or indictment(s) before being called upon to plea, and I have read and discussed it with my attorney, and I fully understand the charges against me in this case. I am the person named in the indictment. I have told my attorney all the facts and circumstances, as known to me, concerning the case against me. My attorney has discussed with me the nature of the charge, has explained to me the elements of the offense, and has advised me as to any possible defense I might have in this case. I have had ample time to discuss the case and all possible defenses with my attorney.
4. STIPULATION OF FACTS: I agree to the following summary of the Commonwealth's evidence against me (which I stipulate can all be proven by the Commonwealth) in the foregoing case, and I request that the Court accept this summary in lieu of presentation of any evidence by the Commonwealth. I further stipulate that the Commonwealth's evidence constitutes a *prima facie* case in the instance of the crime with which I am charged.

### SUMMARY:

**Senior Special Agent R. C. Knick, III** of the Department of Motor Vehicles would testify that, on March 5, 2005, he was contacted by Special Agent Brad Gregor with the F.B.I. in Fredericksburg, Virginia regarding the defendant, Peter Daniel Young. The defendant had been arrested in Wisconsin in 1998 by the F.B.I. on federal charges for unlawfully releasing 3,600 minks from a mink farm in October, 1997. The defendant had jumped bail, and had been a fugitive until he was arrested for shoplifting on March 21, 2005 in San Jose, California. At the time of his arrest, the defendant presented a Virginia DMV identification card number T63-44-1501 issued under the false name "Simon William Zimbal" as his identity to the San Jose, California police officers. When the California officers then ran the defendant's fingerprints through their data base, it was revealed that he was, in fact, Peter Daniel Young. Copies of the identification card and the Virginia DMV records printout are attached hereto as Commonwealth's Exhibits "1" and "2".

**Carolyn Wilson**, a clerk with the Department of Motor Vehicles located at 5700 Southpoint Centre Boulevard in Spotsylvania County, Virginia, would testify that, on March 21, 2005, the defendant came to her DMV location representing himself as "Simon William Zimbal". The defendant presented a signed application for a DMV identification card under that false name, copies of which are attached hereto as Commonwealth's Exhibits "1" and "2".

5. My attorney has advised me that the offense charges, as follows:

- 2 Counts of FORGERY OF PUBLIC RECORD, in violation of Virginia Code Section 18.2-168  
Date of offense: March 1, 2003  
Punishment: (Class 4 Felony) Imprisonment for not less than 2 years nor more than 10 years and a fine of not more than \$100,000..
- OBTAINING FORGED OR COUNTERFEIT DMV DOCUMENTS, in violation of Virginia Code Section 46.2-105.2  
Date of offense: March 1, 2003  
Punishment: (Class 6 Felony) Imprisonment for not less than 1 year nor more than 5 years; or confinement in jail for not more than 12 months and a fine of not more than \$2,500.00, either or both.

6. I understand that I may, if I so choose, plead "not guilty" to any charge against me, and that if I do plead "not guilty" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; (d) the right against self-incrimination; and (e) the right to be confronted by my accuser.

7. I understand that by pleading guilty I waive my right to an appeal and that I am admitting that I committed the offense(s) as charged and that the only issue to be decided by the Court is punishment.

8. I understand that the Commonwealth's Attorney has agreed to recommend to the Court the following specific punishment as the appropriate disposition in this case, as follows:

A. Upon the defendant's guilty plea to Felony Obtaining Forged or Counterfeit DMV Documents, a Class 6 Felony, the Commonwealth will move to *nolle prosequi* the remaining two indictments.

The Commonwealth further agrees to recommend a sentence of ~~5~~ <sup>5</sup> years in the penitentiary, with ~~4~~ <sup>4</sup> years suspended conditioned upon:

(i) the defendant remaining of good behavior for a period of 10 years.

(one year)  
The ~~1~~ <sup>one year</sup> active portion of the sentence is to run concurrently with the defendant's federal sentence arising from his 1997 offenses. (MC) JSW

B. It is further understood and agreed that the defendant, as a condition of this suspended sentence and plea agreement, waives his Fourth Amendment rights against

unreasonable searches and seizures at any time and by any law enforcement officer during the period of 10 years

C. As a condition of the defendant's sentence, the defendant shall forthwith give a biological sample for DNA analysis, pursuant to Virginia Code Section 19.2-10.2, et. seq., and shall cooperate fully in such procedure.

9. I understand that the Court may or may not follow the Commonwealth's Attorney's recommendation and may accept or reject this plea agreement. I understand that if the Court rejects this agreement, I will be permitted to withdraw my plea of guilty if I so desire, and if I do not withdraw my guilty plea neither side is bound by this agreement and the Court may impose any sentence within the limits set forth in Paragraph 4, which disposition may be less favorable to me than is contained in this agreement.

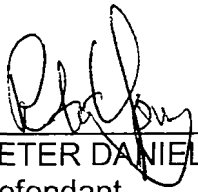
10. I declare no officer or employee of the State or County or Commonwealth's Attorney's office, or anyone else, has made any promise to me except as contained in this agreement.

11. After having discussed the matter with my attorney, I do freely and voluntarily plead guilty to the offense of **FELONY OBTAINING FORGED OR COUNTERFEIT DMV DOCUMENTS**, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

By his signature below, PETER DANIEL YOUNG, acknowledges that he is WAIVING his FOURTH AMENDMENT RIGHT against unreasonable searches and seizures during the 10 year period specified hereinabove.




Signed by me in the presence of my attorney on this 30<sup>th</sup> day of May,  
2006.

  
\_\_\_\_\_  
PETER DANIEL YOUNG  
Defendant

**CERTIFICATE OF DEFENDANT'S COUNSEL**

The undersigned attorney for the above-named defendant, after having made a thorough investigation of the facts relating to this case, do certify that I have explained to the defendant the elements of the charges in this case; and that the defendant's plea of guilty is voluntarily and understandingly made.

  
\_\_\_\_\_  
TIMOTHY J. WALL  
Counsel for the defendant

**CERTIFICATE OF COMMONWEALTH'S ATTORNEY**

The above accords with my understanding of the facts in this case, and I further certify that, when applicable upon the written request of the victim, I have consulted with such victim(s) and I have notified him/her of the right to be present at this hearing (unless an exception is marked below), pursuant to Section 19.2-11.01 of the Code of Virginia.

Exceptions:

1. Victim unavailable due to incarceration: \_\_\_\_\_
2. Victim unavailable due to hospitalization: \_\_\_\_\_
3. Victim unavailable due to failure to  
appear when subpoenaed: \_\_\_\_\_
4. Victim unavailable due to change of  
address without notice: \_\_\_\_\_
5. Victim unavailable due to other reason  
as set forth here: \_\_\_\_\_

COMMONWEALTH OF VIRGINIA

By Mr. B. J. Jany / for  
WILLIAM F. NEELY  
Commonwealth's Attorney

The Court, being of the opinion that the plea of guilty and waiver of jury trial are voluntarily made, and that the defendant understands the nature of the charges and the consequences of said plea of guilty, doth accept the same and concur therewith.

Filed and made a part of record this 30<sup>th</sup> day of May, 2006.

[Signature]  
Judge

A COPY TESTE:  
Paul M. Metzger, Clerk  
By: Charlotte J. Storm  
Deputy Clerk

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:SS

COUNTY OF CODINGTON

THIRD JUDICIAL CIRCUIT

\*\*\*\*\*

STATE OF SOUTH DAKOTA,  
Plaintiff

# 05-0956

COMPLAINT

vs.

1. Animal Facility Trespass  
(SDCL 40-38-2 (1,2,3,4,5, and 6), 40-38-3, & 22-6-1(8))
2. Burglary, 3rd Degree  
(SDCL 22-32-8 & 22-6-1(6))
3. Intentional Damage to Property - 1st  
Degree (Over \$500.00)  
(SDCL 22-34-1 & 22-6-1(6))

PETER DANIEL YOUNG  
Date of Birth: June 26, 1977  
Defendant.

\*\*\*\*\*

The undersigned being first duly sworn upon oath charges:

COUNT I

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of ANIMAL ENTERPRISE TRESPASS (SDCL 40-38-2(1, 2, 3, 4, 5, and 6), 40-38-3, & 22-6-1(8)) in that he did without consent of the owners intentionally damaged an animal or property in or on the animal facility or obstruct any enterprise conducted at the animal facility; or did acquire or otherwise exercise control over an animal facility or an animal or other property from an animal facility with the intent to deprive the owner or to obstruct the enterprise conducted at the facility; or did enter an animal facility, not then open to the public, with intent to commit any act prohibited; or did enter an animal facility remain concealed with intent to commit any act prohibited; or did enter an animal facility and commit or attempt to commit any act prohibited; or did intentionally turn out or release any animal in or on an animal facility; to-wit, Turbak Mink Ranch, rural Codington County, South Dakota in an amount of damage exceeding Five Hundred Dollars (\$500.00).

COUNT II

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of BURGLARY - THIRD DEGREE (SDCL 22-32-8 & 22-6-1(6)) in that said individual did enter or remain in an unoccupied structure with intent to commit a crime therein; to-wit: Turbak Mink Ranch, rural Codington County South Dakota, to commit intentional damage to property and release of the animals housed therein;

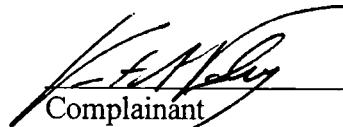
COUNT III

That on or about October 16, 1997, in the County of Codington, State of South Dakota, Peter Daniel Young, did commit the public offense of INTENTIONAL DAMAGE TO PROPERTY - FIRST DEGREE (SDCL 22-34-1 & 22-6-1(6)) in that said individual did intentionally cause damage in an amount of more than \$500.00, to property owned by another, without the owner's consent: to-wit: an animal housing facility owned by Eric M. Turbak and Kathleen A. Turbak, dba: Turbak Mink Ranch, Kranzburg, South Dakota;

contrary to the statute in such case made and provided against the peace and dignity of the State of South Dakota.

Based upon the Officer's report.

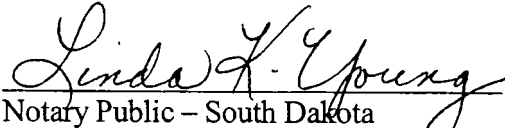
Dated this date, December 21, 2005

  
Complainant  
Office of State's Attorney

Subscribed and sworn to before me this date, December 21, 2005.

(SEAL)

MY COMMISSION EXPIRES: 04/12/08

  
Notary Public - South Dakota

STATE OF SOUTH DAKOTA  
Third Judicial Circuit Court  
I hereby certify that the foregoing instrument  
is a true and correct copy of the original as the  
same appears on file in my office on this date:

SEP 29 2006

Connie Hartley  
Codington County Clerk of Courts

By 

**FILED**

DEC 22 2005

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM  
3RD CIRCUIT CLERK OF COURT

By \_\_\_\_\_

"COPY

Chris  
FYI

PLEA PROFFER US v. Young

1. Elements

COUNT FIVE

That On or about Oct 17-29, 1997,

1. D knowingly and intentionally  
Conspired and agreed with Justin Clayton Samuel  
And other persons unknown
- 2 To travel in interstate commerce for the purpose of causing physical  
disruption and damage to the functioning of animal enterprises
3. Resulting in losses to the enterprises of more than \$10,000.

COUNT SIX

That on or about Oct 26, 1997,

1. D, having traveled in interstate commerce for the purpose of disrupting  
an animal enterprise
- 2 Did intentionally cause physical disruption and economic harm to the  
Dittrich Minkery of Medford, WI
- 3 resulting in economic loss of more than \$10,000

As to proof of their interstate travel - for the purpose of causing disruption

The gov. would present testimony of

Kathy Turbak of the Turbak Mink Ranch in Watertown SD.

She would testify that on or about October 16, 1997 their mink farm in South Dakota was attacked, resulting in the release of 2,400 mink. She would testify that fences surrounding the farm wer cut, using some form of tool; cages were opened, releasing the mink, and about 1/4 of the mink released were not recovered, resulting in a losses in excess of \$10,000.



Special Agent Mike Grahm of the FBI in SD would testify that in investigating the attack, he took wire samples from the fence in the areas where they were cut by the tools that were suspected and sent those wire samples to the FBI Crime Lab.

Det Ron Corcoran of the Trempealeau Co SD - Would testify that on Oct. 23, 1997, he observed Young and Samuel and their Geo Metro with Washington license plates in Galesville, WI. Two days later he took wire samples from the site of a farm attack in Independence Wisc which were turned over to the FBI Lab.

Tom Olson of the Smieja Fur Farm - Would testify that On or about Oct 25 in the early morning hours, the Smieja farm in Independence Wisconsin was attacked. The fence was cut along the west side of the mink barn and nearly 800 Blue Iris Mink were released from four cages, of which 104 mink were never recovered. He would testify that the attack resulted in more than \$10,000 in loss to the Smieja farm.

Ron Dittrich of the Dittrich Minkery in Medford, WI (WD) would testify (as to counts 5 and 6) that in the early morning hours of October 26, 1997, the Dittrich Minery was attacked, when perpetrators trespassed onto the Dittrich Farm, cut and knocked down 400 feet of fence and released 2,500 mink from the farm owned by his family. Three hundred mink went unrecovered for a losses well beyond \$10,000.

Retired Special Agent Ed Bruner of the formerly of the FBI office in Wausau WI, would testify that he collected wire samples from the site of the Dittrich farm attack and sent them to the FBI lab

Alex Ott of the Ott Mink Farm near Tomahawk, WI would also testify that on Oct 26, 1997, his farm was attacked when perpetrators trespassed on his farm property, opened a gate to a perimeter fence on his farm and then released over 350 mink from 350 mink pens, some of which had more than one mink. He would testify that about 70 of his mink were unrecovered, causing more than \$10,000 in loss to his farm

Deputy Seth Fuller of the Sheboygan County SD - would testify that on October 28, 1997 a red Geo Metro with State of Washington plates that had been sighted by multiple fur farmers in and around farms in the Sheboygan area , and had also by information from the fur famer's calling network, been sighted in areas of the state where earlier mink releases had taken place, was stopped by him in Oostburg Wisconsin. The two occupants were identified as Peter Daniel Young, the D, and Justin Clayton Samuel.

This evidence would prove that :

Young and Samuel conspired to and did

Travel in interstate commerce

The purpose of their travel was to disrupt animal enterprises  
(Specifically the fur farm involved)

That they did, in fact, disrupt and cause damage to the farms

AS to Count 6 they specifically disrupted and damaged the Dittrich Mink  
farm causing more than \$10,000 in damage

This would prove the elements of the charges BRD

October 27, 2006

ATTN: RECORDS/WARRANTS  
CODINGTON COUNTY STATE'S ATTORNEY  
P.O. BOX 1384  
WATERTOWN, SD 57201-184

605-882-6276 605-882-5233 FAX

REGNO: 10269-111 FUNCTION: DIS DOB/AGE.: 06-26-1977 / 29  
NAME.: YOUNG, PETER DANIEL R/S/ETH.: W/M/O  
RSP.: VVM-VICTORVILLE MED II FCI MILEAGE.: 927 MILES  
PHONE: 760-530-5700 FAX: 760-560-5706  
PROJ REL METHOD: GOOD CONDUCT TIME RELEASE FBI NO.: 471631EB3  
PROJ REL DATE.: 02-01-2007 INS NO.: N/A  
OFFN/CHG RMKS: TRAVEL IN I/S COMMERCE TO COMMIT ANIMAL ENTERPRISES TERRORISM  
OFFN/CHG RMKS: 24 MONTHS, 1 YEAR SUPERVISED RELEASE; DOCKET #98-CR-91-X-01

The below checked paragraph relates to the above named inmate:

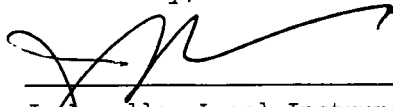
✓ A detainer has been filed against this subject in your favor charging CL 40-38-2 (12345&6), 40-38-3 & 22-6-1(8) ANIML FAC TRESPASS CL 22-32-8 & 22-6-1(6) BURG 3RD DEG. CL 22-34-1 & 22-6-1 INET DAMAGE PROP. 1ST DEG. Release is tentatively scheduled for (SEE PROJ REL DATE ABOVE), however, we will notify you no later than **60 days** prior to actual release. To check on an inmate's location, you may call our National Locator Center at: 202-307-3126 or check our BOP Inmate Locator Website at [www.bop.gov](http://www.bop.gov).

- ☐ Your detainer warrant has been removed on the basis of the attached \_\_\_\_\_.  
Notify this office immediately if you do not concur with this action.
- ☐ Other:

Please feel free to address any questions or concerns you may have regarding this matter to:

UNITED STATES PENITENTIARY  
ISM RECORDS (760) 530-5700 EXT 1050  
P.O. BOX 5600 (760) 246-2621 FAX  
ADELANTO, CA 92301-5600

Sincerely,

  
\_\_\_\_\_  
J. Araullo, Legal Instruments Examiner  
for Darrylin Evans, Inmate Systems Supervisor

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Register, Inmate Name, Institution

10269-111

YOUNG, PETER DANIEL

VVM-VICTORVILLE MED II FCI

Pursuant to the Interstate Agreement on Detainers Act, you are hereby informed that the following are the untried indictments, informations, or complaints against you concerning which the undersigned has knowledge, and the source and contents of each.

CL 40-38-2 (12345&amp;6), 40-38-3 &amp; 22-6-1(8) ANIML FAC TRESPASS

CL 22-32-8 &amp; 22-6-1(6) BURG 3RD DEG. TEL.# 605-882-6276

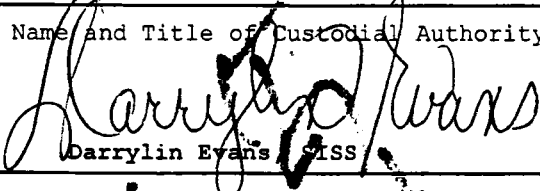
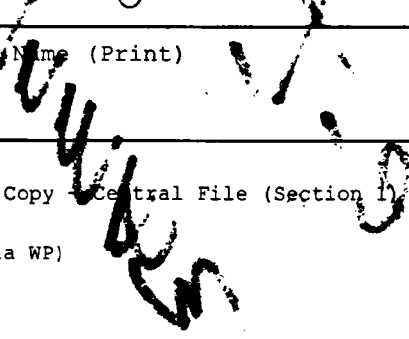
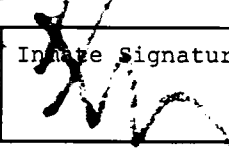
CL 22-34-1 &amp; 22-6-1 INET DAMAGE PROP. 1ST DEG. FAX# 882-5233

You are hereby further advised that by the provisions of said Agreement you have the right to request the appropriate prosecuting officer of the jurisdiction in which any such indictment, information or complaint is pending and the appropriate court that a final disposition be made thereof. You shall then be brought to trial within 180 days, unless extended pursuant to provisions of the Agreement. After you have caused to be delivered to said prosecuting officer and said court written notice of the place of your imprisonment and your said request, together with a certificate of the custodial authority as more fully set forth in said Agreement. However, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Your request for final disposition will operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against you from the state to whose prosecuting official your request for final disposition is specifically directed. Your request will also be deemed to be a waiver of extradition to the state of trial to serve any sentence there imposed upon you, after completion of your term of imprisonment in this state. Your request will also constitute a consent by you to the production of your body in any court where your presence may be required in order to effectuate the purposes of Agreement on Detainer and a further consent voluntarily to be returned to the institution in which you are now confined.

Should you desire such a request for final disposition of any untried indictment, information or complaint, you are to notify the Inmate Systems Manager of the institution in which you are confined.

You are also advised that under provisions of said Agreement the prosecuting officer of a jurisdiction in which any such indictment, information or complaint is pending may institute proceedings to obtain a final disposition thereof. In such event, you may oppose the request that you be delivered to such prosecuting officer or court. You may request the Warden to disapprove any such request for your temporary custody but you cannot oppose delivery on the grounds that the Warden has not affirmatively consented to or ordered such delivery.

Dated	Name and Title of Custodial Authority	By: (Chief Executive Officer)
October 27, 2006	 Darrylin Evans, WISS	Tereser A. Banks, Warden
Dated	Inmate Name (Print)	Inmate Signature
		

Original - Inmate, Copy - J&amp;C, Copy - Central File (Section 1)

(This form may be replicated via WP)

Replaces BP-235(58) of OCT '88

STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:SS

COUNTY OF CODINGTON

THIRD JUDICIAL CIRCUIT

\*\*\*\*\*

STATE OF SOUTH DAKOTA,  
Plaintiff

# 05-0956

vs.

DISMISSAL  
PURSUANT TO DEFERRED  
PROSECUTION AGREEMENT

1. Animal Facility Trespass  
(SDCL 40-38-2 (1,2,3,4,5 and 6), 40-38-3 & 22-6-1(8))
2. Burglary, 3rd Degree  
(SDCL 22-32-8 & 22-6-1(6))
3. Intentional Damage to Property - 1st  
Degree (Over \$500.00)  
(SDCL 22-34-1 & 22-6-1(6))

PETER DANIEL YOUNG  
Date of Birth: June 26, 1977  
Defendant.

\*\*\*\*\*

Pursuant to the provisions of SDCL 23A-44-2, Dawn M. Elshere, State's Attorney, and as prosecuting attorney in the above entitled matter, dismissed the Complaint and Information in this case, charging the above named Defendant with:

1. Animal Facility Trespass  
(SDCL 40-38-2 (1,2,3,4,5 and 6), 40-38-3 & 22-6-1(8))
2. Burglary, 3rd Degree  
(SDCL 22-32-8 & 22-6-1(6))
3. Intentional Damage to Property - 1st Degree (Over \$500.00)  
(SDCL 22-34-1 & 22-6-1(6))

This dismissal is being made for the reason that the State and Defense entered into a Deferred Prosecution Agreement.

Dated this date, February 13, 2007.

  
Dawn M. Elshere  
State's Attorney



STATE OF SOUTH DAKOTA

IN CIRCUIT COURT

:SS

COUNTY OF CODINGTON

THIRD JUDICIAL CIRCUIT

\*\*\*\*\*

STATE OF SOUTH DAKOTA,  
Plaintiff

#05-0956

vs.

**Deferred Prosecution Agreement**

PETER DANIEL YOUNG

Date of Birth: June 26, 1977

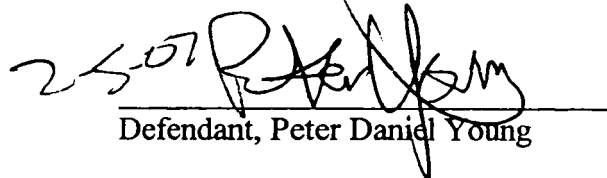
Defendant.

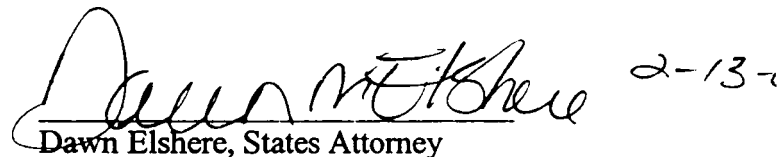
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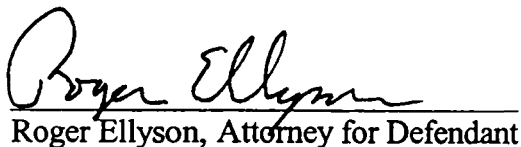
The State of South Dakota by and through State's Attorney Dawn M. Elshere and the Defendant, Peter Daniel Young by and through his attorney Roger Ellyson hereby make the following Deferred Prosecution Agreement as to the above entitled matter:

1. The State will agree to dismiss the complaint and information without prejudice upon certain conditions agreed upon by the defendant. Such dismissal shall be filed upon execution of this agreement.
2. The Defendant shall agree to abide by his restitution plan as set for in his judgment of conviction from the United States District Court, Western District of Wisconsin, file number 98-CR-91-X-01.
3. Defendant agrees that he shall never return to the state of South Dakota for any purpose whether legal or otherwise.
4. If Defendant violates any of the terms set for above he agrees that this agreement will be null and void and the state may bring further legal action against him.

Dated this 12 day of February, 2007.

  
Defendant, Peter Daniel Young

 2-13-  
Dawn Elshere, States Attorney

  
Roger Ellyson, Attorney for Defendant

## IN-CIDENT REPORT

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

## Part I - Incident Report

1. Name Of Institution:

U.S.P. Lompoc FCI #2 VICTORVILLE2. Name Of Inmate  
YOUNG, PETER3. Register Number  
10269-1114. Date Of Incident  
1-18-065. Time  
11:30 A.M.6. Place Of Incident  
FOOD SERVICE7. Assignment  
NONE8. Unit  
D-LOWER9. Incident  
REFUSING PROGRAMS312  
30611. Description Of Incident (Date:1/18/06time: 11:30AM Staff become aware of incident)

On January 18, 2006 inmate Young, Register Number 10269-111 was instructed that he had to wear the appropriate footwear during working hours on the compound. Inmate Young stated he could not wear the appropriate safety shoes because they were made of leather. He was instructed that the approved footwear was issued and that the shoes were worn for his own safety. He again stated he could not wear them because they were made of leather and it was against his beliefs. He further stated, "I am not going to wear them so you can take me to the SHU if thats what you have to do." Inmate Young was escorted to the Special Housing Unit.

12. Signature Of Reporting Employee

Date And Time

13. Name And Title (Printed)

1-18-06

J. Johnson, Captain

14. Incident Report Delivered To Above Inmate By

15. Date Incident  
Report Delivered16. time Incident  
Report Delivered1-18-063:40pm

## Part II - Committee Action

17. Comments Of Inmate To Committee Regarding Above Incident

18. A. It Is The Finding Of The Committee That You:

\_\_\_\_ Committed The Following Prohibited Act.

\_\_\_\_ Did Not Commit A Prohibited Act.

B. \_\_\_\_ The Committee Is  
Referring The Charge(s) To The DHO  
For Further Hearing.C. \_\_\_\_ The Committee Advised The  
Inmate Of Its Finding And Of The  
Right To File An Appeal Within 15  
Calendar Days.

19. Committee Decision Is Based On The Following Information

20. Committee action and/or recommendation if referred to DHO (Contingent upon DHO finding inmate committed prohibited act)

21. Date And Time Of Action \_\_\_\_\_ (The UDC Chairman's Signature Next To  
His Name Certifies Who Sat On The UDC And That The Completed Report Accurately Reflects  
The UDC Proceedings.)

Chairman (Typed Name/signature)

Member (Typed Name)

Member (Typed Name)

Record Copy - Central File Record; Copy - DHO; Copy - Inmate After UDC Action; Copy - Inmate Within 24 Hours Of  
Part I Preparation  
(This Form May Be Replicated Via WP)

Replaces BP-288(52) Of Jan 88





U.S. Department of Justice

Federal Bureau of Prisons  
Federal Correctional  
Institution

Victorville, California 92301

March 25, 2006

MEMORANDUM FOR ISM

THRU:  K. Grady, SIS Lieutenant  
FROM:  E. Blount, SIS Technician  
SUBJECT: Rejection of incoming maile  
Peter Young, Reg. No. 10269-111

We are requesting the following incoming correspondence be rejected due to the security risk the books contain:

Access All Areas, by Ninjalicious

The book states it is "meant as an introduction to the hobby of urban exploration" and gives details on how to explore places without detection in such areas as tunnels and confined spaces. This book is an extreme security threat as it defines way to "explore" without being caught by security cameras, etc.

An Anarchist Cookbook - Recipes for Disaster, by Crimeth Inc.

This book details ways to construct lockboxes, the art of escape, ways to graffiti, ways to prepare for a chemical attack or commit an act of sabotage, how to construct smoke bombs and torches.